



Security Council

Fifty-ninth year

Provisional

4903rd meeting

Monday, 26 January 2004, 10 a.m.

New York

President:	Mrs. Alvear Valenzuela	(Chile)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Negroponte

Agenda

Post-conflict national reconciliation: role of the United Nations

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-21947 (E)



The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Post-conflict national reconciliation: role of the United Nations

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Bosnia and Herzegovina, Burundi, Costa Rica, Côte d'Ivoire, Croatia, Egypt, Guatemala, India, Ireland, Japan, Liechtenstein, Mexico, Morocco, Nigeria, Peru, the Republic of Korea, Rwanda, Serbia and Montenegro, Sierra Leone and South Africa, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs.

There being no objection, it is so decided.

I invite Mr. Kalomoh to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme.

There being no objection, it is so decided.

I invite Mr. Malloch Brown to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator.

There being no objection, it is so decided.

I invite Ms. McAskie to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

As another measure to optimize the use of our time in order to allow as many delegations as possible to take the floor, I shall not individually invite speakers to take seats at the table or invite them to resume their seats on the side. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the table. I thank members for their understanding and cooperation.

At this meeting, the Security Council will hear briefings by Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs; Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme; and Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator.

Post-conflict national reconciliation is a subject that should be systematically integrated in the United Nations in order to prevent the resurgence of conflicts and to create more stable societies. This question lies at the intersection of the ethical responsibility and the political responsibility of the international community to create conditions for lasting peace in societies emerging from conflicts. It presents challenges for the work of the United Nations. In recent years, the United

Nations has been involved in post-conflict situations in which reconciliation has had to be addressed in order to overcome antagonisms among those who must learn again to live together in a single society.

In the light of that reality, we should ask ourselves some questions. What role should the United Nations have in processes of national reconciliation? Should we incorporate the need for reconciliation into exit strategies for post-conflict situations? Should the United Nations design strategies for reconciliation? Is there a role to be played by other principal organs of the Organization? As we have noted in listening to various non-governmental organizations under the Arria formula, these and other questions underlie an issue in which civil society demand coherent and timely responses. Other questions that could be approached in this debate concern the principles and mechanisms of reconciliation, the instruments for seeking truth such as truth and reconciliation commissions, consensus-building among political actors, reparations for victims and the role of justice.

I invite delegations today to present their observations and comments on how the Security Council and the United Nations system as a whole can approach the question of post-conflict national reconciliation in the future.

I would like to inform delegates that I have received a message from Archbishop Desmond Tutu, Nobel Peace Prize laureate, on the occasion of this debate. The message will be circulated in the Chamber. I will therefore read only a few paragraphs from it. He says the following:

"I begin by commending your Excellency for convening this session on peace and reconciliation and the role of the United Nations. I am sorry not to have been able to be present.

"This body was set up precisely to guarantee and promote peace and stability in our world and is thus most appropriate. Our world is wracked by conflict, hatred and strife, particularly between those who share the same borders, who should be fellow citizens or at least good neighbours in juxtaposition ...

"When human beings have been humiliated, oppressed, slighted or have imagined themselves to have suffered these things, then almost always they have wanted to get their own back, to even

scores, to avenge their setbacks. These things are etched in the tribal memory, and so strife, which may have been provoked by something fairly insignificant, continues because the resentment, the grudge, has lost nothing in the telling and retelling. That is how we tend to behave — but it is not inevitable or invariably the case. Two conspicuous examples show that it is possible ...

"Nearly everyone predicted that South Africa would be overwhelmed by a racial conflagration. It did not happen. The courageous leadership of Mr. F. W. de Klerk and especially of Nelson Mandela, ready to compromise, remarkably ready to forgive in a display of magnanimity and generosity emulated by followers, helped that land to walk the path of forgiveness and reconciliation and to become, so improbably, a beacon of hope for lands haggard with conflict and strife.

"And East Timor, where the United Nations played a pivotal role in its birth: its leaders also chose not to engage in retribution and revenge but to concentrate on building up a nation on the foundations of forgiveness and reconciliation."

These are excerpts from some of the paragraphs of the letter received from Archbishop Desmond Tutu.

I shall now give the floor to Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs.

Mr. Kalomoh: Most armed conflicts eventually come to a physical end. However, many such conflicts linger on in the minds and hearts of the parties and their victims. Every armed conflict is a human disaster, and its real ending requires genuine reconciliation. Post-conflict reconciliation is closely related to the broader discussion of the rule of law and to addressing in all seriousness the root causes of the conflict. An important debate on this issue was begun in September of last year under the Security Council presidency of the United Kingdom. That debate clearly identified the need to more systematically incorporate rule of law concerns in the activities of the United Nations. The Secretary-General looks forward to presenting his first report on this matter to the Council later this year.

Reconciliation, most simply understood, is about allowing people who share a painful and divided past but who are united in a common future to resume

harmonious relations and to live together once more. Often this requires more than simply the laying down of arms and the shaking of hands. To be lasting, reconciliation may require the settling of the past, an accounting of prior wrongs and an acceptance of responsibility for abuses.

How this is achieved, though, varies according to specific national circumstances. The pursuit of justice, accounting for past atrocities, restitution for victims and the regeneration of the severed bonds of trust and civility — these are daunting tasks in a shattered society, but they must not be overlooked when we deal with the pressing matters of restoring stability and bringing violence to a definitive end. In particular, they must be borne in mind when peace agreements are being negotiated. Peace agreements tend to frame the context for national reconciliation. Often the imperatives of the present, especially the need to restore stability and the rule of law, triumph over the long-term need for justice. Tensions between peace and justice are common in post-conflict societies. Helping war-shattered people to resolve those tensions is a key role that the international community can and should play.

The international community has employed a number of instruments in post-conflict situations to address the important issue of reconciliation. I will mention but a few. Some, such as tribunals, seek to contribute to reconciliation by trying and punishing the perpetrators of crimes. Others, such as truth and reconciliation commissions, seek to contribute to a better future by establishing an official accounting of past violations of human rights during a specific historical period. Knowing the truth and accepting responsibility, whether judicial or not, is an important basis on which reconciliation can rest.

In addition, amnesties, except for genocide, war crimes and crimes against humanity, reparations and targeted assistance programmes designed to promote, *inter alia*, communal harmony have constituted important tools for international efforts to support national reconciliation processes. The return of displaced populations in post-conflict situations also often provides critical opportunities to sustain a peace process through the promotion of measures conducive to national reconciliation. To be successful, these instruments need to be combined in a social process of catharsis.

Our experience has shown that it is indeed difficult, even impossible, to set in stone prescriptions for reconciliation that would apply to each and every situation. What may work in one case may not be ideal, or ideally suited, in another. The process of catharsis that I mentioned earlier is assisted by different means in different places. Today, during the course of this debate, we are likely to hear specific examples of combinations of measures that have been successfully applied in some circumstances and not so successfully in others.

Nonetheless, irrespective of national specificities, some general observations should inform the international community's activities. First, peace without reconciliation is hardly ever durable. Secondly, it is difficult to achieve reconciliation without a significant measure of justice. Thirdly, there are some crimes that are so heinous that they require that justice be done. Fourthly, the pursuit of justice should not become an obstacle to establishing or maintaining peace.

Ending the climate of impunity in conflict, post-conflict and transitional situations is vital to restoring public confidence and normalcy. The particular formula for any given country should be determined on the basis of appropriately facilitated national consultation. It is for each society to decide its own best approach to address past crimes and the violation of domestic or international law. The international community can offer assistance, outline options and provide information about what other countries in similar circumstances have done regarding, among others, prosecution, truth-seeking endeavours, reparations and apologies.

While amnesties may sometimes be seen as the price to be paid for peace agreements to succeed or for stability to be maintained, the United Nations cannot condone agreements arrived at through negotiations that violate Charter principles. Amnesty clauses in peace agreements must exclude amnesties for war crimes, genocide, crimes against humanity and other serious violations of international human rights and humanitarian law. Blanket amnesty clauses are inconsistent with the twin goals of justice and reconciliation. As the Secretary-General has stated, this Council must attempt to balance the demands for peace and justice, conscious that they often compete and aware that there may be times when they cannot be fully reconciled.

When reconciliation does not involve providing a sense of justice for the worst crimes, the wounds of the past have a way of resurfacing. An essential part of reconciliation is to isolate those who are most responsible and have committed the most egregious violations in order to bring them to justice. To ensure that justice is done in post-conflict societies, the United Nations has established, or helped establish, a number of courts and tribunals to try those responsible for serious violations of international humanitarian law committed during the preceding or ongoing conflicts. In doing so, the United Nations has explicitly pursued a number of objectives that have included the provision of justice to the victims of violations and the promotion of national reconciliation within societies affected by conflict. At the international level, the International Criminal Court seeks to ensure that egregious violations do not go unpunished.

The establishment of tribunals, however, has not been problem-free, and working with domestic courts when possible is often a wiser course. Criminal courts are the instrument needed to try and punish the guilty. No matter their design, however, they are unlikely to be successful at fully meeting the objectives of providing justice to victims and promoting national reconciliation. They are intended to ascertain the fate of missing persons. They are ill-suited to ensure compensation to a larger number of victims. They are, then, by their nature, ill-adapted to granting "moral" forms of reparation. Whereas criminal courts are intended to resolve the problems of individual accountability for specific alleged crimes, they are ill-suited for establishing official historical accounts. For these reasons and others, additional non-judicial mechanisms, such as truth and reconciliation commissions, may be useful in fulfilling some of these tasks and can complement judicial instruments.

Finally, efforts to promote justice need to be accompanied by reconciliation and peace-building strategies that will address the root causes of the conflict, be they ethnic, social or economic. Formal legal processes and processes to bring about truth and justice should go hand in hand with economic and social measures to fight the inequalities and exclusion that may have fuelled the conflict in the first place.

Reconciliation is a complex, often difficult process in which contradictions may be inevitable. It involves accounting for the past and meeting demands for justice and the degree of forgiveness that will allow

for the reconstruction of a social fabric that has been rent by conflict. It is a process that involves striking a balance between the aggrieved and the aggressors, the pursuit of justice and stability. It is a long-term, difficult process, the conclusion of which cannot be clearly identified in advance. The difficulties of the process have been captured in the words of Hannah Arendt, who, when referring to atrocities committed during the Second World War, spoke of how we are unable to forgive what we cannot punish and unable to punish what has turned out to be unforgivable.

Our collective experience has shown that the right combination of measures will depend on the specific conditions in each post-conflict situation. In all cases, domestic enlightened leadership can be a catalyst for the creation of the social consensus necessary for reconciliation. At the very least, the past and reconciling with it should offer hopes for a better future. In the words of Maya Angelou, "History, despite its wrenching pain, can not be unlived, but if faced with courage, need not be lived again."

The President (*spoke in Spanish*): I now call on Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme.

Mr. Malloch Brown: I am grateful for this invitation to address the Security Council on this subject, which is very close to the institutional heart of the United Nations Development Programme (UNDP).

Let me frame my remarks in terms of the political economy of reconciliation and therefore talk a little bit about the politics, the issue of building democracy, how quickly to do it, the issue of other processes which can sometimes substitute for or supplement democracy as a means of achieving a national dialogue, and the critical issues that we keep on running into of the minority rights and the rule of law, as well as the role of other institutions, such as the police, who are so critical to sustained reconciliation.

I also want to say a word on the economics of reconciliation, because, while it may appear to be less important than the political or even the social dimensions, it is a lot harder to reconcile populations that have been in conflict in a context of economic austerity and the lack of jobs and growth than it is if you can achieve an economically dynamic situation. Again, I want to say something about that, and then briefly something about the institutional side of this — the question you have posed, Madame, in this debate

today of what the United Nations can do — and therefore, of course, particularly a little advertisement for what UNDP seeks to do, as well as an observation on the role of the Security Council.

Turning first to the political dimensions and democracy. There is no bigger advocate across the United Nations for democracy than UNDP. We have long since concluded that it is at the heart of sustainable development. However, I have to say that, perhaps precisely because we are so enthusiastic about it, we are also cautious about introducing it too quickly and in too imperfect a way. We have come to recognize from experience that, while over time you have to try and shift the competition between different groups in a society from an armed competition to a peaceful and democratic one at the ballot box, nevertheless, if you rush that shift — if you move immediately to a democratic competition without addressing the underlying causes of conflict — you can indeed drive parties further apart. We have been very struck by the value of the cautious approach adopted in Afghanistan of moving directly to a recognized interim Government and to a Loya Jirga process in order to both build a consensus and then endorse a Constitution and only at the end of that process to direct elections.

We contrast that to processes that we have been very involved in in Cambodia, Bosnia and Herzegovina, Haiti or Kosovo and recognize that there is real value in getting it right and taking the time to put in place the conditions for an electoral exercise which will pull people together rather than drive them further apart. I think we are all struggling with that now in the context of Iraq. We are very anxious to see that the democratic processes evolve in a way which allows the maximum direct representation possible, while ensuring that the different parties in that country are not driven apart by the exercise.

It is for that reason that we as an Organization have become very involved in the promotion of national reconciliation dialogues, both where a Parliament and an election do not yet exist and in many situations where there is a Parliament but the democratic process has somehow become narrowed or not fully representative of the elements in a country. We have seen, particularly in Latin America, starting with the aftermath of conflict in Central America, how the important role which a dialogue that brings together different civil society groups with the political leadership can, at the very least, supplement — and

often, in some cases, temporarily substitute for — a more formal democratic process and can critically lay the groundwork for a later democratic exercise which will enjoy broader support.

As we have reviewed these national reconciliation processes, we have noticed that, on a number of occasions — in Haiti in 1987, in Zaire in 1991, and in Côte d'Ivoire in 2001 — there were struggling indigenous reconciliation processes which were, perhaps, fatally handicapped by the lack of strong international support. With the value of hindsight, one sees that, possibly, the small sapling of the beginning of a reconciliation that might have avoided later conflict never grew into a stronger oak because there was not the right international support and encouragement. Equally, we have seen the vital role of civil society in both formal democratic exercises and in these national reconciliation dialogues as well, where the requirement of bringing as broad a range of opinion to the table as possible is absolutely critical.

Let me make one other observation on the political process, concerning the issue of minority rights. Too often in straightforward, quick, early elections after conflict, we see a winner-takes-all mentality develop where those who have lost at the ballot box — and perhaps had been the losers in the previous military conflict — feel further alienated from the situation and that their rights are not protected. Of course, this is a tremendous incentive to conflict's renewing. Indeed, in our *Human Development Report 2002* on democracy, we spent a lot of time arguing for a second generation of democratic reforms, where the issues of minority rights and more broadly of human rights, the issue of media freedom and the broader culture of democracy — where the vote exists in a much broader set of cultural and ethical values in a society about respecting each other's opinions and allowing the competition of ideas to take place in a free political exchange — are critical. We must not blind ourselves into believing that democracy consists solely of an exercise of the ballot box.

As we have just heard from Mr. Kalomoh, behind these issues lies the critical issue of justice and reconciliation. He made many important points on this and I do not want to repeat what he has said, except to observe that, from UNDP's experience — and, I must, say, in part my own as well — truth and reconciliation, a little bit like democracy, cannot be rushed. I have

been very struck by the experiences of Chile and Argentina, as well as by that of South Africa, that, for this to be a genuine internal process — with a society feeling strong enough and harmonious enough to take on these issues in a thoroughgoing way — usually some time has to have elapsed. Democracy needs to be well established, and the feeling that the ghosts of the past can be revisited without risk to the democratic present takes time.

It is also, however, inevitable. I myself have yet to see what I would consider a full reconciliation after conflict where this process has not occurred. Thus, while, arguably, it should not happen at the beginning, it is an inevitable step on the road to a real healing. I think there is a real issue of the international role in this. Sometimes that international role may be a little heavy-handed and too early in terms of trying to move too quickly to a process of justice and accountability before a country is ready for it. Secondly, at a critical moment, international justice, through commissions or other forms, can be a key catalyst for the country itself taking hold of the issue and pushing it to conclusion. I therefore think this is an area of enormous interest.

Let me say, however, that some more mundane issues of institutions matter as well. UNDP as a development agency is, I think, continuously surprised to find the extent to which we have become a police training agency, because whether it is supporting the German-led Trust Fund in Afghanistan or, more directly, supporting police training efforts in countries such as Haiti or Mozambique over the years, with the help of Spain and many others in this room, we have found that, unless citizens feel that their personal security is being met by effective policing of their streets and communities, a lot of the rest of reconciliation and peace-building is hard to achieve. Yet this is, in terms of international support, one of the most costly, ambitious and difficult commitments to secure. It is one which very much falls on the shoulders of the United Nations, because the World Bank, for example, treats this — I think understandably — as being outside its mandate. One last institutional political comment is that the vital tasks of demobilization, reintegration and landmine collection are key to these reconciliation processes, as well as — often — being difficult to resource quickly or effectively enough in the period when reconciliation is just beginning.

I said at the start of my statement that I wanted to say a word about the “economy” part of political economy. It is a lot easier to achieve reconciliation in the context of economic growth than it is in the context of austerity and budget reduction. Yet the characteristics of a post-conflict situation are usually austerity and budget reduction. A post-conflict Government almost always inherits a situation of either no tax base or a very impaired one. The response of many of the international financial institutions to that has been to insist on a reduction of Government expenditure to a level which reflects that situation — and for very reasonable reasons, because as demand is also at a low level in the economy, anything bigger on the Government side can be highly inflationary, as well as unsustainable.

Yet the fact is, unless you have an economic strategy which is based on expansion and therefore on job creation and the ability to finance the provision of services, including health education, to the other victims of conflict, and, above all, to manage the downsizing of critical areas of Government, such as, in particular, the army — which may have many of the ex-combatants in its ranks — the financial stability you may wish to achieve will fall victim to the absence of real stability and to the renewal of conflict.

At Davos over the weekend I chaired some very interesting discussions between the International Monetary Fund and Professor Joe Stiglitz — who is the champion of expansionary economics — on how to reconcile these two sides of the dilemma. I think that that is an area to which we need to give a lot more attention as we move forward.

I would like to make two institutional points. First, with regard to the role of UNDP, since the Brahimi report I think there has been a very clear understanding of the different roles played by the various parts of the United Nations, under the leadership of the Department for Political Affairs, in post-conflict reconstruction in general and, therefore, in reconciliation in particular. We as system have just had a report on transitional work, prepared under the chairmanship of Carol Bellamy of the United Nations Children's Fund (UNICEF), which touches on this.

For us in UNDP that presents a couple of critical issues. First, as we move from relief to reconciliation and our colleagues in the Office for the Coordination of Humanitarian Affairs (OCHA) start to scale down their

roles, while we are required to build up ours, we see a terrible funding gap. We see it today in Liberia. We have seen it in every post-conflict situation.

Secondly, whereas our colleagues in OCHA have an impressive massed strength in the different areas of relief work, we in UNDP are much less well resourced in areas such as disarmament, demobilization and reintegration, the rule of law and justice and early support for building electoral systems. We work in all of those areas and, under Julia Taft's leadership, have strengthened enormously our capacity in each. But I sometimes feel like those generals who say that they can deploy their armies in only one foreign operation at a time. I have huge difficulty in providing adequate support to half a dozen of these activities around the world at one time, and have therefore begun a conversation with key supporters in this area about how, first, we can strengthen our own capabilities in this regard — to both learn the lessons of these operations and have enough human capacity to deploy to support our country offices and United Nations teams in these areas — and how, secondly, the international community can make funds available more quickly for the early steps of reconciliation.

The situation is comparable to that of a heart attack victim. All the research tells us that the greatest propensity to revert to conflict is in the early months after conflict. But that is the period when we are least able to put up the resources for successful demobilization and reintegration. That brings me to a final point about the Security Council, and to another medical analogy. You are very good in the operating theatre — you do peace agreements well, you do peacekeeping well. But my challenge to you all — and I say this without making any comment on the debate between the various organs of the United Nations — is that the real statistics of peace-building demonstrate that the most critical interventions are, in a medical sense, in the preventive health phase — the pre-heart-attack phase — as well as in the rehabilitation — the post-heart-attack phase. Yet the focus of all your activities is in the operating theatre, not in the clinic afterwards — let alone giving the patient the preventive help beforehand.

The President (*spoke in Spanish*): I thank Mr. Malloch Brown for his informative briefing, in which he was so eloquent with regard to what needs to be done.

I give the floor to Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator.

Ms. McAskie: On behalf of my colleagues in the humanitarian community, I should like to thank you very much, Madam President, for giving me this opportunity to address the Council on such an important matter. National reconciliation in post-conflict situations is a complex issue that we all know needs to be addressed comprehensively, taking into account a wide range of issues and perspectives. It is for this reason that I am pleased to be able to put before the Council some humanitarian perspectives on post-conflict reconciliation.

Why is post-conflict reconciliation of concern to the humanitarian community? The simple answer is that it is an issue upon which our humanitarian work can have a significant impact. Conversely, it is an issue that can have a direct and significant impact on our humanitarian work.

I will probably touch in my statement on some issues that have already been raised by my colleagues Mr. Malloch Brown and Mr. Kalomoh, but I will try to do so from the point of view of the humanitarian consequences and the humanitarian context.

As we are all aware, post-conflict reconciliation is not an event, but an ongoing process. It can begin, and should be nurtured, in the immediate humanitarian response phase of a conflict, and can be informed by the neutrality and impartiality that humanitarians bring with them. Their message is one of putting the individual — the woman, the man, the child — at the centre of what the United Nations is there to do.

When we hear the phrase "post-conflict reconciliation", we first think of formal reconciliation processes, some of which have been mentioned — truth and reconciliation commissions and so forth — and their role relative to criminal justice processes. These formal processes are undeniably critical to national reconciliation and sustainable peace. But some of the most powerful forms of reconciliation, in terms of restoring the social fabric and regaining national unity, will be found in everyday life: children of different ethnic groups sitting together at school, neighbours working together to rebuild their villages and health clinics, despite the fact that they were on opposite sides during the conflict. Indeed, formal reconciliation processes and these grass-roots forms of reconciliation

must be seen as complementary and mutually reinforcing. One can grow and evolve from the other.

In the same way, we cannot afford to focus exclusively on political developments and peace processes in countries that are in transition from conflict to peace. Here I would refer to Mr. Malloch Brown's very good analogy at the end of his statement about the operating theatre; that has been very much the focus of our work. The broader humanitarian concerns must be addressed properly, and we must ensure that the international humanitarian response supports — and does not undermine — efforts to foster national reconciliation and the consolidation of peace. Getting humanitarian assistance right is an important building block for post-conflict reconciliation.

The starting point must be to ensure that adequate levels of humanitarian assistance are available in the most critical situations. The inability to ensure even minimal levels of assistance in immediate post-conflict situations will serve only to increase tensions and foster grievances, thereby undermining efforts at reconciliation. If we are not there to provide that assistance, the people remain at the mercy of warlords for their basic survival. Sadly, it is in the "forgotten" emergencies that the risks are greatest. The serious lack of attention and material support to countries such as the Republic of the Congo have consistently undermined local and national efforts at reconciliation.

The humanitarian assistance itself must be provided equitably and efficiently, on the basis of demonstrable need. This fundamental humanitarian principle can frequently be the most challenging, particularly in situations where we are denied access or where factions seek to manipulate and misuse humanitarian assistance to their own ends. The legitimacy of a faction's engagement in peace processes should be based on its commitment to unhindered humanitarian access.

A very blatant example of this was the situation last year in the Democratic Republic of the Congo, when the *Rassemblement Congolais pour la Démocratie-Goma* (RDC-Goma) was requesting protection from the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) — for it to come down to Kinshasa — even as it was perpetrating the most blatant violations of human rights, including sexual abuse, on the population in its own area. There was an example of a

case in which we could have insisted that the United Nations should not provide protection until they themselves were providing protection to their own people.

The humanitarian community must also ensure that it works with people and communities that are the victims of conflict, rather than acting on their behalf. Humanitarian assistance needs to be seen as an investment that enables people to rebuild their lives and sustains the very fabric of society, which will be essential to peace and reconciliation processes.

A principled and strategic approach to humanitarian assistance is therefore required, so as to ensure that it is delivered in a way that does not perpetuate grievance or hamper longer-term societal and institutional development, the restoration of livelihoods and the strengthening of State legitimacy. The responsibility for this lies as much with donor countries and the international community as with humanitarian agencies. Mr. Malloch Brown referred to the work that the United Nations is doing on transition. I will not repeat his words here, but this is an important element in that respect.

Post-conflict situations exemplify the importance of ensuring that adequate funding is provided not only for life-sustaining humanitarian assistance, but also for other programmes that will have a significant impact on national reconciliation. Effective peace and reconciliation processes require effective social and administrative structures. It is important, therefore, that schools and their teachers, health centres and their workers, local administrative offices, and local welfare and community structures not be neglected by the international humanitarian community, but that every effort be made to engage and sustain them through times of conflict. Rapid and effective responses to key transition needs are critical to national reconciliation efforts. If people are denied the fruits of peace — such as shelter, education, health care and employment — national reconciliation will be much harder to achieve.

Our experience with the consolidated appeals process, however, reveals that, while donor countries are willing to support initiatives that address immediate humanitarian needs, the longer- or medium-term tools of reconciliation, such as education, health care and demobilization and disarmament, are often underfunded. This can serve to undermine post-conflict reconciliation in a number of ways. Inadequate

resources for education programmes can result, for example, in generations denied access to education and left with poor prospects for the future, thus perpetuating the social divisions at the root of conflict. Burundi is an unfortunate salutary case in point.

I believe that there is considerable scope to look further into ways to channel reconciliation efforts into the programmatic work of our agencies, bearing in mind the fact that the impartiality and neutrality of humanitarians provides us with a unique base from which to play an important bridging role. The United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and other humanitarian agencies already play this role in their everyday work.

The impact of reconciliation on the work of humanitarian agencies is the other side of the coin. A fundamental concern to humanitarians in post-conflict situations is the risk of a return to armed conflict if peace processes and reconciliation measures fail. The need for massive humanitarian assistance will remain if reconciliation issues are not handled effectively and swiftly. It is therefore critical to ensure that reconciliation measures do not inadvertently exacerbate tensions and encourage a return to conflict. This could happen, for example, through inconsistent application of measures related to justice and impunity, property restitution, and reintegration. These are problems that have plagued peace processes in various countries, and, once again, I would use Burundi as an example.

Indeed, consistency must be seen as one of the cornerstones of reconciliation in post-conflict situations. Humanitarian aid must be consistently and equitably provided; legal and judicial mechanisms, international humanitarian law, property restitution, reintegration, reparations — all must be consistently applied if reconciliation is to have a solid base.

Effective post-conflict reconciliation requires us to address not only institution-building, but also the root causes of the crisis, and Mr. Kalomoh has spoken on this issue. But at the root of most conflicts are issues of poverty, corruption, deliberate manipulation of minority groups, social inequity and exclusion, with certain elements of society denied access to political and social processes, property and education. We must ensure that we do not perpetuate socially divisive institutions that leave no scope for reconciliation,

either by inadequately funding and implementing humanitarian assistance or through the manner of our engagement in local capacity-building.

As the Council is aware, humanitarians are often present in conflict situations when no one else is. It is our experience that, in countries recovering from conflict, peace and national reconciliation ultimately depend on attitudinal and behavioural changes within society. This is particularly the case where society has become polarized. Far too often, peace processes are seen as the prerogative of combatant forces, but lasting peace and national reconciliation will depend on developing a social climate that seeks to sustain peace. All sectors and elements of society — not just the fighting forces — need to be brought together to that end.

In terms of the work of the Security Council, I think that this is an issue on which we could usefully focus: that political processes — peace processes — tend to ignore the vast swath of communities that have been affected by the crisis and that have a stake in the future; they should be at the table, not just the parties in conflict.

The earliest possible involvement in reconciliation efforts of local community leaders — representing the range of interests and perspectives within a society — is critical. Civil society organizations in particular, which provide important channels for understanding the key concerns of various sectors of a society, can help to build bridges between divided and disaffected communities.

Post-conflict situations also provide an opportunity to recognize and promote the important role of women in reconciliation efforts, as well as to address the gender inequality that prevails in many societies. Women's lack of equality in Africa, for example, is too often their death sentence, as they are forced to adopt survival strategies that increase their risk of contracting HIV. Women are also central to the response to HIV/AIDS and to other aspects of emergencies, but entrenched gender hierarchies all too often hinder appropriate responses. If we are serious about reversing that situation, we must return to women's control over their livelihoods and their bodies, and we must bring their needs and concerns into humanitarian planning and post-conflict responses at the strategic level.

Before closing, I should like to touch very briefly on some key issues of concern for humanitarians as they relate to reconciliation. Foremost among humanitarian concerns are issues surrounding the return of refugees and internally displaced persons and their reintegration into their communities. When members of ethnic minorities choose to return to still-fragile communities emerging from conflict, there is no more important role for the humanitarian community than ensuring that they are safe and protected and that they are helped to remain in their homes.

Over the past 10 years, there have been successful and well-targeted humanitarian and recovery programmes to foster the commitment to reconciliation in practical ways. I am thinking here, for example, of the UNHCR's Rwandan and Bosnian Women's Initiatives, in which women from across ethnic and party lines were offered the opportunity for vocational training and microcredit funding so that they could collectively begin the process of recovery and reconciliation themselves. We also have positive, practical lessons to learn from the reintegration of internally displaced persons in East Timor, where reception ceremonies based on traditional practices were held to foster the acceptance of those persons into their communities. In Angola, the *regulamentos* have proved an important tool for the restoration of property rights to the former internally displaced.

Similarly, effective disarmament, demobilization, reintegration and rehabilitation (DDRR) can provide vital support to national reconciliation efforts. The culture of youth violence witnessed in the Mano River Basin and in Côte d'Ivoire, for example, will continue to impede reconciliation efforts unless well-designed and well-resourced regional DDRR programmes are introduced to address the particular needs of young people brutalized by war and now left with no means of survival but the gun. In line with the mutually reinforcing nature of these issues, DDRR initiatives depend on reconciliation efforts for their success, because the reintegration of combatants is critically dependent on the ability of societies to accept them back into the community.

The recognition of rape and other forms of sexual violence as weapons of war raises particularly difficult issues of reconciliation. Only now is the extent of deliberate, broad-based attacks on women and girls being acknowledged. Beyond the devastating physical, psychological, emotional and social traumas suffered

by women and children who are brutally attacked, those egregious crimes undermine cultural values and community relationships, and they can destroy the very ties that bind society together. I have already mentioned the particularly horrifying consequence with which many are faced: the spectre of HIV/AIDS. Helping the survivors of sexual violence — and their communities — to heal requires a concerted response by the humanitarian community. Humanitarian programmes that provide health, medical, nutritional and psychosocial support, trauma counselling, education and advocacy therefore become vital to reconciliation efforts. Given cultural and social sensitivities, it is especially important that this work be carried out through local non-governmental organizations and women's initiatives, but with the full support of the political process and not as something separate.

Finally, I should just like to refer briefly to the fact that one of the most disturbing aspects of the widespread sexual and other violence perpetrated against innocent civilians in armed conflict is that those crimes are committed in a climate of impunity — a topic that was fully addressed by my colleague Mr. Kalomoh. In post-conflict situations, reconciliation must be tempered with a clear commitment to ending impunity for serious violations of international humanitarian and human rights law. Effective conflict resolution and longer-term national reconciliation depend on processes of reconciliation and justice — something on which we are all agreed. Indeed, justice and reconciliation — as Mr. Kalomoh pointed out — must be seen as complementary. Both are vital to effective reconciliation in the broader sense. And, while amnesties provide an important measure for dealing with lower-level perpetrators, they must never be granted for serious violations of international humanitarian and human rights law.

In conclusion, we cannot expect reconciliation to be an easy or straightforward process. In many post-conflict countries, the brutal memories of past abuses take years to heal. Indeed, one of the most difficult challenges of reconciliation in post-conflict situations is how to focus on the future without ignoring the past.

It has long been clear that humanitarian assistance alone will not provide a solution to crises. Unless proper and timely attention is paid to reconciliation, rehabilitation, reconstruction and development, countries will slip back into the horrors

of war, and the efforts of the humanitarian community — often at great peril for humanitarian workers, I should add — will be lost. As we know, 65 per cent of the countries emerging from conflict in Africa are slipping back into violence, and we cannot afford to be complacent on that front. It is therefore vital to have an effective, broad-based, international support strategy to ensure that humanitarian activities are reinforced with corresponding reconciliation, rehabilitation and reconstruction efforts. We must also recognize within that context, however, that each country must find its own path to reconciliation. Humanitarian actors are in a position to begin that process, and it is important to recognize that reality within such an international strategy.

The President (*spoke in Spanish*): I thank Ms. McAskie for her briefing.

I now give the floor to members of the Council. I should like to reiterate that speakers should strive to limit their statements to five minutes so that we can hear all those on the list, and that those who have more extensive statements should circulate the texts in writing.

Mr. Pleuger (Germany): First of all, I should like to thank Mr. Kalomoh, Mr. Malloch Brown and Ms. McAskie for their briefings initiating today's debate. I present my remarks in anticipation of a more comprehensive statement to be made later by the representative of Ireland on behalf of the European Union. We fully endorse that statement.

Germany welcomes Chile's initiative to hold this open debate on the role of the United Nations in post-conflict national reconciliation. The fact that you are presiding, Madam President, demonstrates the importance that you attach to this subject.

After the debate held in September 2003 on the role of the United Nations in promoting justice and the rule of law, today's debate will again highlight the wish of the Council — and indeed of the entire United Nations membership — to ensure that peacekeeping and peace-building efforts can be sustainable. In the Council's debate on justice and the rule of law, Mr. Guéhenno clearly expressed what is at stake. He said:

"... if the international community limits its response to post-conflict situations to the creation of traditional criminal justice mechanisms such as

courts, focused on delivering retribution and meting out punishment, then it will fail to respond to many of the expectations that victims and 'victim societies' have concerning mechanisms of post-conflict justice, in particular reparation, a full accounting of what happened and national reconciliation." (*S/PV.4835, p. 5*)

Patrick Burgess, former Legal Counsel of the Commission for Reception, Truth and Reconciliation in Timor-Leste, described the challenge in even more evocative terms:

"Punishment of those most responsible is not the complete picture. Populations in post-conflict situations are faced with the real and present danger that the dry grass of past anger and resentment will burst into flame again and, fanned by the winds of poverty, frustration and joblessness, soon become an uncontrollable fire. Punishment will help to heal past wounds and provide some consolation to victims, but focus also needs to be maintained on the damaged relationships between individuals at a grass-roots level. Not only punitive justice but also restorative justice is required to mend these relationships."

These two quotations, we feel, quite rightly make the point that justice and reconciliation — or punitive and restorative justice — ultimately serve the same purpose: to heal the wounds of a conflict-torn society, first, by acknowledging and establishing accountability for the wounds that have been inflicted on victims; secondly, by creating a just and inclusive social and political order that offers guarantees for the peaceful resolution of future conflicts and against the recurrence of past conflicts and social injustices; and thirdly, by restoring a sense of common purpose among a hitherto divided population.

The United Nations has broad experience in addressing each of these areas, ranging from the establishment of justice and reconciliation mechanisms to assistance in building democratic institutions and the promotion of a common development perspective based on greater participation and shared benefits. Specific activities to achieve these goals include programmes as diverse as the creation of tribunals and truth and reconciliation commissions, assistance in organizing and holding free and fair elections, assistance in drawing up a new, integrative

constitution, joint demilitarization and demining, as well as the complete range of disarmament, demobilization and reintegration programmes for ex-combatants of former civil war enemies, and the mobilization of international financial and technical assistance for post-conflict economic and social reconstruction plans.

In declaring its readiness to host a Bonn II conference on Afghanistan, Germany follows that same holistic approach to national reconciliation. Indeed, the purpose of the conference, in line with suggestions by Special Representative Mr. Lakhdar Brahimi, would be to promote throughout the international community efforts that lay the foundation for further reconciliation in a more peaceful and more prosperous Afghanistan.

A real challenge for the United Nations will be the ability to deliver its expertise and its assistance in a coherent, coordinated and effective manner. In the interest of quality and cost-effectiveness, consideration may be given to the establishment of a Secretariat unit that has the necessary conceptual and operational know-how in the area of promoting national reconciliation in post-conflict situations and that can coordinate the various actors engaged in that field throughout the United Nations system. In the Council's ministerial meeting on justice and the rule of law, held on 24 September 2003, Germany suggested the establishment of a rule-of-law task force in the Secretariat. Given the close relationship between issues of justice and reconciliation, I suggest that they be dealt with jointly by such a task force.

A starting point in addressing post-conflict reconciliation issues must be that no post-conflict situation is equal to another and that there are no one-size-fits-all solutions. But, on the other hand, the opposite is also true: the wheel does not need to be reinvented on every occasion, and there are certainly a few standard parameters and model procedures that can usefully be defined and applied.

Among those standard parameters, let me mention three that are of particular importance. First, experiences in Sierra Leone and Timor-Leste have made it quite clear that the way in which courts and reconciliation mechanisms interact with and complement one another should be well-defined. In that regard, it is important to ensure that both mechanisms, taken together, cover the whole spectrum of injustices committed during a conflict, without

leaving an impunity gap. Closing the impunity gap has been high on the international agenda, and reconciliation mechanisms, if properly combined with judicial mechanisms, can play an important role in that regard.

Secondly, those bearing the greatest responsibility for war crimes, genocide, crimes against humanity and other serious violations of human rights and humanitarian law must not escape punishment. Secretary-General Kofi Annan was right in reminding the Council in his statement during the debate on justice and the rule of law that there are international standards to be adhered to. The International Criminal Court was created precisely for the purpose of ensuring criminal accountability for these crimes should national jurisdictions fail to do so.

Thirdly, it should be recalled that judicial and non-judicial mechanisms need local acceptance and legitimacy. Before such mechanisms are established, interested segments of a victimized society should be consulted. Once the mechanisms are operating, they need to be engaged in ongoing outreach efforts. We applaud the thorough outreach activities undertaken in Sierra Leone, and we hope that such activities can avoid the recurrence of situations in which a defendant finds an audience for his twisted claim that he is the victim and the judges are the villains. Against that backdrop, it is an important challenge for all of us to ensure that transitional justice mechanisms in Iraq will meet with broad popular support.

The last point leads me to my final observation. None of the goals contained in the paramount goal of reconciliation — neither justice nor reconciliation nor development — can be achieved without the firm political will of local decision-makers. Where such political will is weak or non-existent, it may be one of the most delicate and challenging tasks for the United Nations to inspire among local policy-makers and conflict-torn populations the confidence necessary to make the policy choices that hold the promise of a just and more prosperous future. Indeed, the United Nations has a unique legitimacy to do so.

The President (*spoke in Spanish*): I thank the representative of Germany for his kind words addressed to me.

Mr. Baali (Algeria) (*spoke in French*): Allow me at the outset to thank the delegation of Chile for taking the initiative of organizing this debate on a question

which is clearly central to the mission of our Organization. I also thank Ambassador Muñoz for enabling our discussion of this question with the non-governmental organizations at the Arria formula meeting he organized on 22 January.

The spirit and the letter of the United Nations Charter make civil concord among members of a single human society — and reconciliation among them if that concord is broken — the primary condition to be met in order to build a world of peace.

Reconciliation follows a phase in which a society's harmonious relations have been ruptured, most often by a violent armed conflict in the case of civil war, by violence practised by a State against society or part of society in the case of dictatorships, or by violence directed at both society and the State in order to undermine their foundations for political purposes. National reconciliation attempts to heal a society of the effects of these breaches and therefore can only be successful if a reliable and objective diagnosis of the causes of the conflict is provided.

To that end, the observation of conflict situations, of which the United Nations has been seized since its creation, points to the recurrent presence of certain symptoms, namely one social or ethnic group's excessive domination over other groups or components of society. This is reflected, generally speaking, in the monopolizing of national resources and positions of power, causing, more often than not, the use of State repression to maintain this domination. This does not allow for any kind of counterweights or opposing powers, which are the hallmarks of the rule of law. The absence of the rule of law, therefore, is at the source of violent conflicts of interest within a society. These conflicts would have been peacefully resolved if they had taken place in a democratic environment characterized by the sound practices of good governance and respect for the law, a law drafted in a spirit of fairness and with the aim of preserving everyone's rights.

National reconciliation, therefore, cannot be dissociated from the establishment or rehabilitation of the rule of law, characterized by the idea of justice. In a post-conflict situation, national reconciliation, to attain its overriding goal, a peaceful society, necessarily involves telling the truth, which is the basis of justice. This occurs at two levels: first, setting the record straight about the causes of conflicts, including the

inequalities and denials of rights which caused them, and universal recognition of those imbalances; secondly, telling the truth about the human rights violations and atrocities committed during the period of hostilities.

While the first stage naturally lends itself to reconciliation by calling on the political arena to summon up the will — and create the conditions — to correct previous imbalances, the second does give rise to many questions, since it rejects the idea of impunity in favour of the idea of settling accounts, of punishment, and of reparations due to the victims as well as to moral rehabilitation, all of which increase the chances of lasting reconciliation.

The main difficulty in this exercise lies in reconciling the rejection of impunity — demanded by the rule of law — and the risk of a conflict dragging on because of the fears that the prospect of prosecution gives rise to among those who have violated human rights. This places the whole question of amnesty in our discussion today.

The problem of amnesty does not come up in situations where one of the parties to the conflict was defeated militarily by the other party, whether by the victor's own means or with the support of the international community. In that situation, generally speaking, those who are defeated will be prosecuted. In situations where the belligerents have the means to prolong a conflict, along with its accompanying atrocities, or in situations where the wielders of State power negotiate the conditions for retreat, the scenario is not the same. We all know that, while a settlement is being negotiated, the mediators are always confronted with demands for amnesty and this amnesty often determines the success of their efforts.

Truth and reconciliation commissions, as in the case of Chile and South Africa in particular, try to get around this difficulty inherent in the rule of law, of the obligation to prosecute, by emphasizing the therapeutic value of digging up the truth. This practice has the immense merit of fulfilling the duty to remember, which is essential for building a new national consensus, while avoiding a repetition of the errors of the past. However, since it does circumvent the judicial phase, it is nonetheless a kind of amnesty, similar to the one that was negotiated and obtained recently for Charles Taylor by the Economic Community of West African States (ECOWAS) mediators. These mediators,

to their credit, did spare Liberia the additional tribulation caused by the inertia of the international community in the face of a major humanitarian catastrophe.

I now come to the question before us — the role of the United Nations in the process of national reconciliation.

First, on the question of impunity and amnesty, the Organization seems to have opted for a firm position of not granting any concessions to the parties to the conflict that it is seized of, as Mr. Kalomoh recalled. This is a position that is legally justified, but its downside is that it reduces the Organization's ability to put an end to the hostilities by mediation alone, since some of the belligerents will distrust the Organization if it has, in advance, opted in favour of a criminal prosecution of these crimes.

Furthermore, the considerable developments in international criminal law in recent years do not allow the Organization and Member States much room for manoeuvre in this area. In the specific case of international crimes, namely, war crimes, genocide and crimes against humanity, this room for manoeuvre is henceforth practically nil. Yet it is interesting to note, here, that even the Rome Statute of the International Criminal Court (ICC), in article 53, paragraph 2 (c), gives the prosecutor some leeway and the discretionary power not to open a judicial enquiry if "A prosecution is not in the interests of justice, taking into account all the circumstances, including the gravity of the crime [and] the interests of victims ...".

In order to maintain its role as an honest broker, the United Nations must first, as far as possible, avoid placing itself in the position of accuser, even more so since it is less and less the United Nations and increasingly the States or regional or subregional organizations that are involved in the difficult quest for solutions to particularly bloody conflicts.

Secondly, the United Nations needs to establish the conditions whereby it can credibly threaten the use of force against recalcitrant parties. These conditions, which, we think, are lacking today, depend on the affirmation of a clear political will on the part of the Security Council, in particular on the part of the permanent members, and in the availability of appropriate resources for the Department of Peacekeeping Operations.

In the post-conflict period, the role of the United Nations seems to have been clearly defined in the Millennium Declaration. I do not want to go into any details here, but in the specific case of national reconciliation processes, it seems to us that this role consists of supporting the former parties to the conflict during the peace-building stage and in the transition to the rule of law. This can be done in the following ways: by sharing the Organization's experience and recognized expertise in the resolute conduct and completion of disarmament, demobilization and reintegration processes; through assistance in electoral processes and the establishment of representative democratic institutions, including political parties and civil society organizations; by the establishment of an independent, impartial and functioning judicial system; by developing public information bodies that embody the values of democracy and tolerance in order to counter the adverse effects of partisan media, sometimes referred to as hate media, which may not only create a climate leading to the outbreak of conflict but also cause the failure of national reconciliation; and, finally, by the mobilization of international assistance for reconstruction.

As I recalled in our debate on West Africa, clearly, if the United Nations were to become decisively involved in conflict-prevention by tackling, in particular, the socioeconomic causes and by mobilizing more resources for development, many countries would be spared many conflicts, which are costly in many respects. The international community would thus have to finance neither peacekeeping operations that are often burdensome, nor post-conflict activities of sometimes questionable usefulness and consistency. In other words — in the medical usage evoked by Mr. Malloch Brown, with my regrets for using such a prosaic formula — it is better to prevent than to cure.

The President (*spoke in Spanish*): I thank the representative of Algeria for his kind words addressed to our mission.

Mr. Arias (Spain) (*spoke in Spanish*): I wish to thank the Chilean delegation for organizing this debate, which gives us the opportunity to delve more deeply into a subject of great importance.

We endorse the statement to be made by the representative of Ireland on behalf of the European Union.

Despite more than half a century of experience of the United Nations and other organizations in preventive diplomacy and peacekeeping, only very recently have we begun to understand the critical role that we must play in post-conflict situations, the strengthening of the rule of law and the administration of justice, and the follow-up and facilitation of the entire process of national reconciliation. The task of strengthening and broadening the mandates of peacekeeping operations is no doubt part of that trend and we must continue to work in that direction by including in our mandates, in an increasingly systematic way, elements of human rights, the rule of law and the facilitation of national reconciliation processes.

In the context of reconciliation efforts, the rebuilding of the rule of law and the subsequent consolidation of institutions are priorities. Without them, it is impossible to guarantee security in any way, impunity remains the rule and economic activities are seriously disrupted. In such conditions, consolidating a political process is even more complicated and cannot succeed in the long term.

It is essential to focus efforts on such tasks before attempting to step up the reconciliation process, for instance, through the holding of general elections. Without due prior stabilization of the situation, elections can prove to be ineffective and sometimes even counterproductive. In any event, the involvement of the United Nations will differ in response to each specific case. It can vary from accompanying, supervising and even assuming the functions of a justice system through the post-conflict transition process, as in Timor-Leste, to helping a State through a stage of convalescence to restore its mechanisms of law and consolidate its national institutions.

It must, however, always enjoy the will of the people most directly affected. Indeed, as the Secretary-General said in the debate on justice and the rule of law, the United Nations must hope to guide, not direct. In cases where circumstances do not permit at the outset, responsibility must be shifted at the proper time to local actors, whose role should always be central.

It is also necessary to settle accounts with the past so as to be able to face the future with greater confidence. That requires elucidating the truth of what has occurred, providing opportunities for victims to express themselves and closing the doors on impunity

for those who have committed extremely grave acts that are offensive to humankind. There are various mechanisms to that end, the most innovative and demonstrably useful of which is the constitution of mixed tribunals. It is worth looking more closely into that mechanism. In any case, and whatever system is adopted, the task will be enormously difficult, since it will require striking a balance between the necessary application of justice and the search for national peace and reconciliation.

In carrying out such tasks, the Council will need to be most mindful of the specificities of each particular situation, of whether or not there existed a genuine rule of law within the State before a conflict, and of the prevailing legal system in order to ensure that the mandates it confers are clear and unequivocal. To facilitate that task, it may be useful to prepare a compendium of model practices for use by the United Nations in each post-conflict situation. Undoubtedly, such practices will need to be flexible and adaptable to the specificity of each situation.

Finally, we stress the role that falls to the International Criminal Court. The international community now has an independent and impartial forum to render justice in the most serious cases of violations of human rights and international humanitarian law in situations where, in keeping with the principle of complementarity, national penal systems are unable to address the matter in a genuine and effective way. Beyond the specific cases that are submitted to its jurisdiction, we are certain that the Court will contribute to establishing guidelines for penal justice and respect for the rights of accused and victim alike that will serve as guidance for all States in the area of crimes against humanity. In that way, the International Criminal Court will contribute through its work not only to the achievement of justice and the effectiveness of human rights and humanitarian standards, but also to strengthening peace and security throughout the world.

Mr. Duclos (France) (*spoke in French*): At the heart of the process of national reconciliation often lie — as your country, Madame, knows especially well — serious political and moral dilemmas in terms of justice. My delegation was very interested in the meeting that Ambassador Muñoz organized a few days ago with the non-governmental organizations, which provided particularly enlightening testimony on the subject. I pay tribute here to their work and thinking.

My delegation listened with great attention to the outstanding statement of Mr. Kalomoh on this subject early in this meeting.

We believe that the solution to these dilemmas always lies in the establishment of the rule of law, with all of the force and breadth inherent in that concept. Your delegation, Madame, was wise in holding today's discussion in the wake of the Security Council's debate in September, presided over by Mr. Jack Straw, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, whose initiative my country deeply appreciated.

National reconciliation often requires a balance between the imperatives of justice and the defence of universal values, on the one hand, and taking into account the circumstances inherent in a situation or a particular culture, on the other. Wise time management is often a condition of success. Such non-judicial instruments as truth and reconciliation commissions may make a valuable contribution. However, that which is inviolate must be respected. There can be no impunity for serious crimes under international criminal law. Likewise, victims are entitled to the truth and reparations.

The United Nations must continue to play a role in this area, first by including in the mandates of peacekeeping missions — as is increasingly the case — measures to fight impunity by, for example, investigating human rights violations and then, when this is appropriate or necessary, by providing support for national tribunals. As the representative of Spain stated, the International Criminal Court can now, of course, make a major contribution in this respect. It is respectful of national jurisdictions and can help to make up for any possible shortcomings that they may have.

Justice is not the only key to the success of any national reconciliation process. It first requires a peace agreement or other viable form of agreement — one that does not contain within it the seeds of another conflict or civil war, but that makes it possible to deal with or resolve basic problems. Success will also depend on the process being inclusive. It is crucial that the positive effects of national reconciliation spread to all segments of the population. That is why, in this context, special importance must be accorded to disarmament and reintegration programmes for former combatants, to the situation of children, to the situation

of women — whose important role has been acknowledged in resolution 1325 (2000) — and to the full integration of communities, minority groups, refugees and foreign or displaced populations.

Nor should we forget that if we truly want to bring about national reconciliation in current post-conflict situations, the fair distribution of economic resources, as well as power-sharing, access to education and health and development are all necessary conditions for improved coexistence and, ultimately, for the return of trust. The earlier comments of Mr. Mark Malloch Brown and of Ms. Carolyn McAskie were very interesting in this respect.

Thus it can be seen that, in dealing with these problems, we have moved from a simple approach — support for a top-down agreement between government and opposition leaders — to a more complex and comprehensive approach involving several kinds of support from the international community. This, of course, means greater involvement on the part not only of the Security Council but of the entire United Nations system — though such involvement can never be a substitute for the will of local stakeholders.

My delegation, like others, believes that in practice it would be beneficial for the Secretariat to bring together in a more effective way the unique experience and expertise of the United Nations and to better coordinate the instruments and mechanisms that need to be mobilized. It would also be desirable that the Secretary-General's report — pursuant to the discussion last September — reflect the discussion that we are having today.

My delegation is particularly grateful to you, Mr. President, for having organized this very important and useful debate that will shed light on the day-to-day activities of the Security Council. My delegation fully aligns itself with the statement to be made later by the representative of Ireland, speaking on behalf of the European Union.

Mr. Sardenberg (Brazil) (*spoke in Spanish*): I should like at the outset to thank Assistant Secretary-General Kalomoh; the Administrator of the United Nations Development Programme, Mr. Mark Malloch Brown; and the Deputy Emergency Relief Coordinator, Ms. Carolyn McAskie, for their introductory statements.

I should also like to thank you, Mr. President, for having organized the Arria-formula meeting held last week with non-governmental organizations, which provided us with a great deal of interesting information.

My delegation is honoured and pleased that once again the Foreign Minister of Chile was in the Chair, presiding over our meeting. I also express my delegation's satisfaction that you yourself, Sir, presided over the work that led to this open debate on a subject proposed, in a very timely manner, by the delegation of Chile. This is certainly a question that merits — and demands — close attention. National reconciliation represents the culmination of the Security Council's work when considering a conflict situation.

(spoke in English)

It has by now been widely accepted that the United Nations has a major role to play not only in the resolution and immediate aftermath of conflict situations, but also in conceiving and conducting long-term post-conflict initiatives, such as demobilization, disarmament and reintegration and the restructuring of the police, armed forces and the judicial system. Beyond conflict resolution and stabilization lies the long road towards development, democratization and the strengthening of the rule of law. There is much that the Security Council can do with a view to achieving those objectives, particularly if it makes more extensive use of the provision contained in Article 65 of the Charter and seeks the collaboration of the Economic and Social Council — as it has done in the cases of Guinea-Bissau and Burundi, with some success.

We believe that reconciliation efforts are compromised when the legacy of past violence is left unaddressed. National reconciliation is the best way for divided countries to confront threats to their stability and to promote and build durable peace and viable democratic institutions and practices. The role of the United Nations in post-conflict national reconciliation has not received nearly as much attention as it merits. The reticence as regards a more focused United Nations approach to this subject is perhaps due in part to its utter complexity.

National reconciliation depends on many diversified factors and is riddled with challenges. No single model is applicable. What works in one case does not necessarily work in another. In each

experience, the dynamic is different, but studies show that successfully reconciled societies usually undergo an extensive process of truth, justice, reparation and the re-establishment of identities.

Closely related to the matter of justice, the search for truth is central to the process. Information is not only unveiled, but also publicly recognized, and findings are widely disseminated. Truth commissions provide a public platform for victims and create common understanding. Ideally, their findings should inform the progress towards justice and lead to constructive recommendations on legal and institutional reform.

Aside from institution-building aspects — which often entail the training of judges and lawyers — an adequate balance should be struck. When Sergio Vieira de Mello addressed the Council in January 2002 as Transitional Administrator for East Timor, his assessment was that

"Long-term peace and stability will depend on the degree to which we can overcome the legacy of ... violence ... by fostering and facilitating reconciliation and by the effective prosecution of serious crimes. Those efforts should be viewed as interdependent". (S/PV.4462, p. 4)

In his understanding, a truth commission seeks the truth about human rights violations and facilitates community reconciliation. But it should not act as a substitute for the judicial process.

As a matter of fact, in situations of post-conflict national reconciliation the legacy of past violence must be addressed, and a victim-centred approach is certainly required. In most situations, one can identify very clearly who the victims were and who the offenders were. If, on the one hand, offenders must be prosecuted for their crimes, so, on the other, the limitations of prosecutorial methods must also be borne in mind.

As the Secretary-General, Kofi Annan, stressed last year during the debate on justice and the rule of law, "there cannot be real peace without justice" (S/PV.4833, p. 3). At the same time, one has to agree with his statement that "If we always and everywhere insist on uncompromising standards of justice, a delicate peace may not survive" (ibid.). The challenge

is to facilitate the reintegration of offenders and at the same time bring a sense of justice to the victims, breaking the cycle of impunity and defending the rule of law without provoking a destabilizing backlash, with political stability remaining precarious.

Given this context, the concept of restorative justice has been gaining legitimacy as a middle ground between retributive justice and a blanket pardon. Restorative justice would rely on traditional arbitrators and on a high degree of public participation, flexible procedures, and social pressure as a means of enforcement and accountability. Ideally, greater emphasis should be placed on the acceptance of responsibility and on the making of amends than on the severity of the punishment meted out.

Restorative justice addresses the need to preserve public order and to maintain a just peace. It cannot be regarded as a panacea, and it certainly does not detract from the work of the International Criminal Court and the fight against impunity, both of which are of the utmost relevance. It certainly merits the attention of the United Nations and could be made a part of future peace negotiations.

Restorative justice is a helpful concept, as it focuses on undoing harm. In this regard, the timing of the reparations made to victims is crucial. The re-establishment of identities and a commitment to a new social relationship are also highly important elements. Groups are brought once again into the framework of political interaction, and the military is, in most cases, depoliticized.

Reconciliation does imply the striking of a delicate balance between antagonists, within the context of justice and truth-telling. An emphasis on building trust is indispensable for reconciliation in ravaged societies. Otherwise, great resentment may be created that could lead to recidivism, a phenomenon that could make the reconciliation process seem like a continuous tightrope walk.

Each new national reconciliation effort requires a deep immersion in the specific grievances of the afflicted community, through the establishment of lines of dialogue with the key actors, as well as — incrementally — among them. The United Nations cannot impose a durable peace; only victims and perpetrators can strive to reconcile with one another. The United Nations can, however — by positioning itself as a neutral facilitator while clearly leaving the

ultimate responsibility for reconciliation in the hands of the aggrieved population — establish favourable conditions as well as offer political advice and valuable technical assistance in the areas of justice and truth-seeking.

On a concluding note, our delegation would like to stress that, although there is no single model for post-conflict reconciliation, and any effort will always be subject to pitfalls, an integrated approach to the process must nonetheless be sought and, to the extent possible, woven into the work and mandates of the United Nations as it endeavours to help war-torn societies get back on their feet and achieve durable peace.

The President (*spoke in Spanish*): I thank the representative of Brazil for the kind words he addressed to our Mission.

Mr. Akram (Pakistan): I would like to welcome you once again, Madam, to the presidency of the Security Council. We wish also to thank you, Ambassador Muñoz and the Chilean delegation for having convened this important debate and for the Arria-formula session which was arranged with non-governmental organizations (NGOs). I should like also to thank Under-Secretary-General Kalomoh for his important statement as well as the Administrator of the United Nations Development Programme (UNDP), Mr. Mark Malloch Brown, and Ms. McAskie, Deputy Emergency Relief Coordinator.

The conclusion of the cold war, instead of promoting universal peace, coincided with the eruption of a number of conflicts among, and especially within, States in various regions of the world. The agenda of the Security Council and the list of our peacekeeping operations over the last decade reflect this.

The Pakistan delegation has consistently emphasized the point — which was raised this morning by the UNDP Administrator and Ms. McAskie — that prevention is better than cure. The Security Council, the Secretary-General and our other agencies have considerable scope for action to prevent conflicts through the modalities and mechanisms available under Chapter VI of the United Nations Charter.

Reconciliation entails a multifaceted process. The first fact which must be acknowledged is that there is no "one size fits all" approach to promoting post-conflict national reconciliation. Each situation is

different and unique. However, some general guidelines, or parameters, as my German colleague said, can be identified in promoting post-conflict peace and reconciliation.

The first step in all situations must be to end the conflict and the accompanying violence and violations of humanitarian law and human rights. Without this, expressions of the desire for post-conflict peace and reconciliation will continue to ring hollow. The onus for halting existing violence must fall equitably on all parties, but especially on the Governments concerned, because they have an institutional capacity and the clear international obligation to halt the recourse to imposed and violent solutions.

The second step, which can be initiated in parallel with the first, is to address the root causes of the conflict. These causes can be both internal — religious or group differences, political and social injustices, a struggle for power among rival groups and local leaders — and, often, external — conflicts which are fuelled by external influences such as foreign occupation, arms supplies and the illegal cross-border exploitation of natural resources. In such cases, internal and external steps to halt conflicts and violence would have to go hand in hand in a parallel and reciprocal process.

Economic deprivation and discrimination exercised over extensive periods prior to the conflicts are often ignored, although in most cases they are the root causes of the conflict. Post-conflict reconciliation can be facilitated considerably by equitable socio-economic development.

In the process of national reconciliation, transparency and openness, especially to impartial international actions such as those of civil society organizations and the United Nations, can be helpful in arresting ongoing violence and violations and in encouraging the parties to address the underlying causes of the conflict. The focus on providing transitional justice and redress for past violations and injustices for affected individuals and groups no doubt constitutes an important element in promoting national reconciliation. This can obviously happen only once ongoing violations and violence have been halted. The pursuit of justice, while essential, should not become an obstacle to peace, as the Secretary-General noted at our previous meeting. Brazil's reference to "restorative justice" is an interesting concept.

However, in any case, there must be no impunity for the most serious violations, such as genocide and violations of the Fourth Geneva Convention, which must not go unpunished.

The Security Council, the Secretary-General, the United Nations Secretariat and our agencies such as UNDP are well placed to play an active role in post-conflict reconciliation. This is indeed the desire of world public opinion and of the people who are involved in such conflicts.

Over the past decade, the United Nations has gained considerable experience and developed institutional mechanisms and methodologies to respond to the serial conflicts and post-conflict situations in various parts of the world, such as East Timor, Bosnia and Herzegovina, Cambodia, Sierra Leone and Afghanistan. United Nations efforts must therefore receive adequate financial and political support from all Governments in order to attain the objectives which have been espoused by the world community.

The precise response of the Security Council and of the United Nations at large will naturally depend on the specific nature and content of a given situation. Such responses can include the dispatch of a special envoy to mediate, a fact-finding mission, utilizing the specific mechanisms of the Commission on Human Rights and of the Office of the United Nations High Commissioner for Human Rights, the appointment of a special representative of the Secretary-General and dispatching a peace observer mission.

And where efforts at post-conflict reconciliation are being conducted in parallel with containing a conflict, there will be a need to buttress the process with full-fledged peacekeeping operations, such as those in Afghanistan, in Liberia and soon, we hope, in Côte d'Ivoire. Such peacekeeping operations should encompass wider mandates to monitor human rights violations and progress in peace-building and reconciliation; to identify responsibility for war crimes and crimes against humanity; to implement disarmament, demobilization and reintegration programmes; and to provide technical, legal and institutional support to the parties concerned.

One issue that often needs to be addressed is the question of the consent of the parties concerned to the mediatory and peace-building role of the United Nations. Refusal by any State or other party to allow the United Nations to play a helpful role in conflict

resolution and peace-building cannot be a sign of good intentions. Obviously, where a conflict situation cannot be successfully addressed by the parties, the need for the Security Council and the Secretary-General to assume a role should be evident, in accordance with the provisions of the United Nations Charter.

Yet even where the parties are engaged in peace-building, the United Nations can and should play a useful role in encouraging them, in monitoring progress and in playing a good-offices and mediatory role, as outlined in Chapter VI of the Charter, especially where the United Nations has obvious and direct responsibilities under resolutions and decisions of the Security Council.

Finally, we cannot ignore the fact that many conflict situations arise from the politics of poverty and scarcity. Post-conflict reconciliation will inevitably have to be built upon the provision to destitute and desperate people of hope for a better tomorrow. Thus, economic and social development must constitute an integral part of the international community's endeavours to promote peace and reconciliation on a sustainable basis in various conflict situations. The United Nations and its family of organizations, including the Bretton Woods institutions, as well as civil society, have a vital role to play in generating equitable socio-economic development in those countries and regions.

To that end, the principal organs of the United Nations — the Security Council, the General Assembly and the Economic and Social Council — must promote and pursue a coherent approach in helping to build peace and reconciliation in complex crisis situations.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): We are delighted, Madam Minister, to see you in the Chair, presiding over the Security Council. Our thanks go to the delegation of Chile, which has been guiding our work this January with an effectiveness that we anticipate will continue throughout the month.

The item before us today is most topical in the context of the activities of the Security Council with respect to various conflicts. A key goal in conflict resolution is the attainment of national reconciliation in the countries emerging from crisis. The Security Council devotes great attention to the issue of national reconciliation in the specific situations on its agenda.

In January 2004, the Council has adopted resolution 1522 (2004) to assist in efforts to form an integrated national army in the Democratic Republic of the Congo; it has considered the post-conflict rehabilitation of Sierra Leone; it has discussed the implementation of the recommendations of the Security Council mission to West Africa; and it is engaged in intensive work to prepare the deployment of a large-scale, multi-function United Nations mission to Côte d'Ivoire. Those are examples from one month alone, and all of them are directly related to the promotion of national reconciliation.

There is no doubt that the parties to a conflict themselves must play the main role in charting the paths towards national reconciliation — paths that take account of local characteristics, traditions and customs. Here, the range can be extremely broad: from the establishment of national truth and reconciliation commissions, the organization of nationwide dialogue, the formation of transitional governments of national unity and the proclamation of general amnesties to the setting up of ad hoc tribunals to prosecute of all those involved in crimes during the conflict, including those involved in massive violations of human rights and of the norms of international law, in particular international humanitarian law.

We have repeatedly observed that there can be no peace or concord without justice. But the quest for justice should not be an impediment to peace. In this complex and painful process, a special role should be played by the international community, and primarily by the United Nations, whose key task is to promote the creation of the conditions necessary for national reconciliation processes. Here, we refer primarily to establishing a secure climate that can rule out attempts to use armed force to settle political problems.

The experience of United Nations peacekeeping operations has shown that only a comprehensive approach to a settlement can restore lasting peace and ensure the attainment of genuine national reconciliation in countries emerging from crisis. Such approaches include assistance in the disarmament, demobilization and reintegration of ex-combatants; the provision of international guarantees; and assistance with building a civil society and the rebuilding of State institutions — including through the holding of free democratic elections; fostering post-conflict economic rehabilitation; promoting security, judicial and law-

enforcement reform; addressing women's issues and the problem child soldiers; et cetera.

A striking example of the special responsibility borne by the parties to a conflict can be seen in Kosovo, Serbia and Montenegro. Unfortunately, the progress made in the Kosovo settlement has come about thanks essentially to the international presences in that province. The Provisional Institutions of Self-Government often complicate such efforts, abuse their powers and even attempt to undermine the basic resolution of the Security Council: resolution 1244 (1999). Another conclusion we can draw from the case of Kosovo is the importance of a holistic approach, establishing a division of labour between the United Nations and regional organizations. In that province, there is close interaction not only among various components of the United Nations system, but also among regional organizations such as the North Atlantic Treaty Organization, the European Union, the Organization for Security and Cooperation in Europe and the Council of Europe. All together, they make an important contribution to the common cause.

United Nations peacekeeping operations in Africa, particularly those in Angola and in Sierra Leone, clearly demonstrate the Council's ability to deal with the most complex of tasks involved in the settlement of crises and the promotion of national reconciliation.

A striking example of the great importance of ensuring a central role for the United Nations in promoting national reconciliation is that of Afghanistan. The briefing recently given to the Security Council by Mr. Lakhdar Brahimi, the then Special Representative of the Secretary-General for Afghanistan (see S/PV.4893), showed that some fairly good results have been achieved in that country in an unusually brief span of history. We note in particular the country's adoption of a new Constitution, which has opened the way for democratic reforms in Afghan society.

Certainly, much remains to be done, and the Security Council must continue to devote priority attention to Afghanistan's problems. It will be possible to implement our shared effort to support the Afghan settlement only if a unified approach is maintained in the international community as a whole, particularly among Afghanistan's neighbours. The convening of a

representative international conference on Afghanistan would be another important step in that area.

The successful experience of the settlement achieved in Tajikistan offers a wealth of lessons on national reconciliation. That experience was useful also because it included an effective plan for interaction among the various international actors. The United Nations Mission of Observers in Tajikistan, Contact Group of Guarantor States and international organizations donor countries all played an indispensable role at various stages of the inter-Tajik settlement, whose culmination was the implementation of the Moscow General Agreement on the Establishment of Peace and National Accord in Tajikistan. That the effort was effective is demonstrated by the fact that today, Tajikistan is experiencing development, has successfully overcome a dire societal division and is on the path to national harmony.

The Security Council must take all of those lessons into account in its current work on the post-war rehabilitation of Iraq and in post-conflict rehabilitation efforts in Liberia, Guinea-Bissau, the Central African Republic and other crisis areas. We look forward to further close cooperation with all Council members and with members of the wider United Nations family in carrying out those efforts.

The President (*spoke in Spanish*): I thank the representative of the Russian Federation for the kind words he addressed to my delegation.

Sir Emyr Jones Parry (United Kingdom): Building a sustainable peace in countries that have suffered from armed conflict is one of the most difficult challenges we face, so I thank you, Madam Minister, for scheduling this debate. I am grateful to those who presented briefings, and I should like to associate myself with the remarks to be made later by Ambassador Ryan on behalf of the European Union.

I shall shorten my intervention, Madam President, to comply with your request at the beginning of today's meeting.

The rule of law is an essential element in establishing democracy, but it is not enough in itself. The goal for countries emerging from conflict is to be able to transform themselves into democratic States — not only States that respect law, but States whose citizens are bound together by common commitments

and objectives, regardless of ethnicity, religion, past division or conflict. The minimum is coexistence among citizens; much better are productive cooperation and harmonious, peaceful living together.

History, if it has taught us anything, has shown us that cycles of conflict are truly broken where political and social measures accompany legal ones and where the participatory and emotional elements of reconciliation are not overlooked. Finding ways and processes that enable people to participate in the rebuilding of their country and to deal with those emotions is perhaps the most difficult challenge. It seems to the United Kingdom that, in many ways, reconciliation is about trust: promoting it where it has never existed and re-establishing it where it has been lost — trust between communities on different sides of a conflict, between groups within society or between citizens and their Government. It is a bridge from being in a state of conflict to reaching a shared peace, and, where it includes the end to injustice, it can provide a foundation for preventing future atrocities.

As others have said, there is no one blueprint for justice and reconciliation that fits all cases; different approaches fit different countries. Experience suggests that a reconciliation process has the best chance of success if it is built from the ground level. Durability is best guaranteed by local ownership. If the people of the conflicting parties or ethnic groups — both perpetrators and victims — are to be encouraged to enter that painful process, then they need to have a common purpose to rebuild their societies. Different models exist and have been described by others.

There are issues of sequencing. In that regard, permit me, if I may, to borrow from some recent comments by Lakhdar Brahimi, who said that there are three key steps to establishing justice and the rule of law: first, injustice needs to be ended; secondly, a fair judicial system needs to be created; and it is right to take the third step — of tackling past crimes — only when those two steps have been taken. So perhaps there is a time and a place to pursue justice and reconciliation vigorously and a time and a place to hold back.

The key focus of today's discussion is how best the United Nations can help. Few would argue with the moral authority of the United Nations, an impartial actor with the weight of the international community behind it. Politically, not only has the United Nations

played a key role in facilitating peace processes around the world, but, at the country level, United Nations country teams, Resident Coordinators and agencies have sometimes played a more subtle convening role in difficult situations, bringing together various stakeholders to start a dialogue or facilitating a planning process to bring about consensus on the way forward for a difficult set of issues.

United Nations peacekeeping operations around the world can provide the essential security framework that is the catalyst for national reconciliation to proceed — a framework for security that allows communities to re-establish some sense of normality in their lives, to restart economic activity and to move more freely. And it is in development terms that the programmes of United Nations agencies aim to facilitate the building of basic elements of human security: good governance, security sector reform, participation, justice, health, education and economic opportunities. All those processes, as we have heard, support national reconciliation.

Given the United Nations experience of reconciliation, how can we ensure better use of best practices? First, I would suggest that we should encourage the agencies to maintain — and indeed to enhance — their excellent work. Secondly, we might support United Nations efforts to identify and use the network of reconciliation practitioners: United Nations staff who have experienced reconciliation first-hand and can put that experience to good use in a different context. Thirdly, we should make creative use of information systems to provide the huge benefits of lessons learned and best practices, ensuring that information is shared quickly and easily among the right people so that the United Nations has the capacity at Headquarters to mobilize and moderate such information and best practices. And fourthly, we might continue to encourage an integrated approach among the various parts of the United Nations system so that lessons on the political, peacekeeping and developmental approaches can be shared, with no sense of departmental boundaries.

Re-establishing justice and starting to reconcile communities that were once in conflict will inevitably be an imperfect process, but the United Nations can and should play a central supporting role. It has the right tools to make a contribution and breadth of experience that enables it to add value where others cannot. I hope that this debate that you have launched,

Madam President, will be the start of our consideration of how we can better support the United Nations to be more effective in this area, but not only here in the Council: given the interest that all parts of the United Nations have, that consideration should be taken forward coherently in the General Assembly, in the Economic and Social Council and in the executive boards.

Mr. Baja (Philippines): I would like to congratulate your delegation, Madam President, for organizing this debate on a very timely topic and for organizing an Arria formula debate on the same topic last week. We are again honoured by your presence and by your presiding over this meeting on the eve of your much-awaited visit to my country. We are also grateful for the very informative briefings given by the Assistant Secretary-General for Political Affairs, the Administrator of the United Nations Development Programme and the Deputy Emergency Relief Coordinator.

The issue of national reconciliation has touched every nation in one form or another, some in the distant past while others more recently, if not even at the present time. No country has ever been homogenous in all respects. All are liable to be challenged by fissures in the fabric of their societies, some more acutely than others.

There are diverse sources of the division of societies and communities, and experience has shown that they run the gamut of racial, ethnic, political, ideological and religious factors. Unfortunately, such conflict sometimes leads to violent confrontation and the breakdown of the body politic. If this happens, the easier task is to stop the violence. The harder challenge is to begin the process of reconciliation and reverse the dynamics of conflict that ruptured the society. Winning the war is easier than winning the peace.

My delegation would like to add further emphasis to some general propositions referred to previously by members of the Council that have enriched our discussion of the topic at hand.

First, there are no quick fixes to achieve reconciliation in post-conflict societies. National reconciliation generally takes place through a long-term process, aided by policies and actions that confront the conflict head-on. It requires serious efforts to take stock of, assess and analyse the conditions under which reconciliation can take place. While there

are no easy solutions, the process of reconciliation is indispensable to ensure the long-lasting stability of post-conflict societies.

Secondly, national reconciliation is essentially an internal process and cannot be imposed externally on communities in conflict. I think the delegations of Brazil and the United Kingdom have eloquently observed that. The context of each post-conflict society is unique. The parameters of the process of reconciliation must grow out of the specific experiences of the society concerned. No external body or organ can decree reconciliation from the outside. That would invite disaster. Stakeholders in post-conflict societies must have the sense of having ownership of the process if it is to bring about the emergence of institutions and practices capable of creatively resolving the kind of social and political tensions that led to past violent conflict.

This is not to say, however, that the expertise and the guidance that could be provided by outside groups such as the United Nations have no place in national reconciliation processes. In many instances, the traumas of violent conflicts are so deep that conflicting groups require the even-handedness of objective outsiders to overcome emotional, cultural, political and other hurdles to mount a successful reconciliation process. But such an intervention, while desirable in certain instances, must be pursued carefully to maintain the integrity of the reconciliation process. One danger that could undermine such integrity would be for the interveners to yield, wittingly or unwittingly, to the temptation of supplanting the goals and values of the stakeholders with their own.

Thirdly, reconciliation should delve into a conflict's dynamics, which span the entire political, physical, cultural and psycho-social dimensions of the society concerned. The physical and political ravages of war and violence are clearly felt and observed and, more often than not, become the focus of attention in the reconstruction of societies in transition. While this is an important consideration, those ravages do not represent the totality of the negative impact of conflict. Healing the hearts and minds of victims in post-conflict societies is sometimes more critical than the reconstruction of burned villages or the salving of maimed bodies. The violent rupturing of a society sometimes necessitates the search for new social identity, meaning and values, which cannot be

downplayed or smoothed over with political niceties and rhetoric.

Post-conflict societies face a multitude of challenges. Let me at this time discuss one of the shared, perennial dilemmas in transitional societies that weigh heavily on the issue of reconciliation: how to balance the legitimate demands for justice against the perpetrators of heinous crimes with the vital need for peace and stability. It is difficult to measure the legitimate interest in punishing perpetrators against the imperative for national reconciliation in a society recently torn by conflict. Should post-conflict societies pursue truth and justice above all else, or should they focus on the attainment of political stability and not put in jeopardy their fragile new democracies under the pressure of truth commissions and prosecutions?

In our view, the correct approach would be somewhere in between those two positions. While justice should figure out in the process of national reconciliation, it must be recognized that in many instances the attainment of retributive justice is not feasible at the onset of the reconciliation process because of the inability of transitional institutions to provide justice through conventional means. This is why one of the most important needs in post-conflict societies is the strengthening of the rule of law and its institutions.

This does not mean, however, that contrition and restitution by wrongdoers are not possible during the reconciliation process. Those goals could be pursued through truth-telling alternatives such as truth commissions, which have been tried in various post-conflict societies over the last few decades. Reconciliation, in this case, can lay the path from a past where justice was denied, to a present where it is not yet fully attainable and to a future where it will be an integral part of the social order.

Finally, let us not lose sight of one of the most important functions of national reconciliation: to lay the foundation for preventing future conflicts and atrocities. This is one of the dimensions of the process that must be carefully considered by the parties to the conflict. National reconciliation should not focus narrowly on reacting to overt violence associated with the widespread abuse of human rights. It must include proactive social and political strategies for the removal of political and social conditions that made discrimination and abuse acceptable in the society. This

is not a simple task, as it could require the transformation of post-conflict societies from the culture of violence to the culture of peace.

In the end, the goal of national reconciliation is to enhance justice based on recognizing and completely accepting the supreme value of the human person, as guaranteed by institutions providing its fullest expression. It creates a society that would have a capacity to deal creatively and equitably with the threat or eruption of conflict based on the values of truth, justice, mercy and dignity.

With those considerations in mind, the United Nations has a key role in achieving national reconciliation in post-conflict situations. In playing such a role, security and development offices within the United Nations system should maintain their core roles as they work for greater synergy, which will integrate political strategies with development policies. As the delegation of Germany has observed, the real challenge for the United Nations will be its ability to deliver its expertise and its assistance in a coherent, coordinated and effective manner. Here, the Security Council should have a leading role in generating the political will among the parties in conflict areas, the countries in the region and the subregion and the international community to adopt strategies and frameworks that will heal the wounds of conflict and promote the reconciliation process.

The President (*spoke in Spanish*): I thank the representative of the Philippines for his kind words addressed to me.

Mr. Gaspar Martins (Angola): I would like to start by thanking you very much, Madam, for presiding over this important debate. This is a very important contribution by Chile, especially following the very rich Arria-formula meeting that we had last Thursday. I would also like to thank Assistant Secretary-General Kalomoh for his contribution and Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme (UNDP), and Ms. Carolyn McAskie for their respective contributions to our debate. I trust that this meeting will contribute to a better conceptual understanding of the issue we are addressing today, particularly on the United Nations role in fostering national reconciliation and assisting countries emerging from conflict to establish the rule of law and justice, the pillars of genuine reconciliation.

The lessons learned from peacekeeping operations in various regions of the world point to the need to further explore the linkages between peace, security and justice on the one hand and economic and social development on the other. The challenge ahead is, therefore, to promote a coherent and integrated approach involving early warning, conflict prevention, crisis management, conflict resolution and post-conflict national reconciliation and reconstruction.

Every society emerging from conflict faces the issue of addressing the human rights violations committed during the conflict. Accountability for those crimes is not only a question of justice for the victims and for those guilty of committing such crimes but also of looking forward to a future of justice. The criminal accountability for war crimes, genocide and crimes against humanity is, therefore, a critical component of the process of national reconciliation. The international tribunals for Rwanda, Sierra Leone and the former Yugoslavia, as well as the International Criminal Court (ICC), are very important instruments in rebuilding the foundations of a society governed by the rule of law and fostering national reconciliation.

Lessons can be drawn from post-conflict national reconciliation processes that stem from national specificities. In fact, countries emerging from conflict have employed a variety of accountability mechanisms as alternatives to criminal prosecution. A national apology, reparations to the victims, international public pressure and shaming, truth and reconciliation commissions and outright amnesties have been applied as means to end conflicts and set in motion processes of national reconciliation. Each method can be effectively applied under the appropriate political conditions as a price to pay for the attainment of peace. These alternative mechanisms can be successful in fostering peace and national reconciliation if the societies are ready and prepared to engage in a meaningful process of national reconciliation and if the forces causing the divisions are effectively isolated.

Today's meeting takes place two years after the signing of the Memorandum of Understanding at a symbolic and highly meaningful ceremony, which put an end to the long war in Angola. This is also, therefore, an appropriate occasion to take stock of the achievements and of the challenges that lie ahead, especially in fostering national reconciliation. The signing ceremony I am referring to not only signalled the end of the war, a very difficult and painful period

indeed in the history of the nation; it also marked the beginning of a process and of a period of rebirth for a reconciled nation in which people, irrespective of their past and free from war, can live together and face together the challenge of building the pillars of reconstruction to prevent a return to the past.

National reconciliation is an imperative, and an expression of the people's will translated into practice by the political determination of the Government of Angola and of UNITA to live within a pluralistic political framework under the rule of law. In this context of national reconciliation, the competent institutions granted an amnesty for crimes committed during the conflict. The candidates elected in the legislative elections on the list of UNITA and other political parties assumed functions in the national assembly, enjoying the rights, freedoms, guarantees, immunities and privilege provided for by law. Social welfare and social reintegration programmes are being implemented throughout the national territory and, in application of the relevant provisions of the general principle of national reconciliation, members of different political parties were invited to assume posts in the national reconciliation Government and in local administration. A political process was set in motion, conducive to the holding of general elections, as a step towards the consolidation of democratic institutions and the rule of law. Basically, post-conflict reconciliation in Angola is being pursued as a real process of forgiveness and reintegration, in which Angolans are called upon to forgive but not to forget the divisions and the crimes committed during the conflict, in order to build a peaceful society, aware of past divisions — and of the dangers ahead if the programme collapses.

Angola's experience and that of other countries confirms that there is no preset approach to post-conflict national reconciliation and that each situation calls for specific solutions. Every process of national reconciliation must, however, be participative, must enjoy popular adherence and must be seen as a way for the entire nation to reconcile itself with the past and to build a better future.

The Security Council has, in recent years, contributed to various aspects of post-conflict national reconciliation. This is reflected in the measures and norms instituted for the protection of civilians in armed conflict; disarmament, demobilization and reintegration programmes in the context of peacekeeping operations;

and strengthening of international criminal justice. Assistance and financing for reconstruction and reconciliation processes are critical; much more needs to be done in order to ensure the success of reconciliation in countries emerging from conflict.

This goal can be advanced through greater coordination within the United Nations system, the Security Council and the Economic and Social Council especially, as well as the Secretariat, the agencies and the Bretton Woods institutions, as has already been noted. In that connection, we look forward to the Secretary-General's report on this theme, which I trust will help to fill a gap that seems to remain and has not yet been satisfactorily addressed or covered, as was hinted at again this morning by the Administrator of the United Nations Development Programme.

Special attention should be given to the appropriate organ for coordinating post-conflict assistance, comprehensively assessing and meeting the needs of countries emerging from conflict, and coordinating the actions of all international actors assisting in the reconciliation and reconstruction processes, in order to ensure its efficiency and the success of the whole enterprise.

This debate addresses an important area of the agenda of our Council, which will deserve more attention in the future. In order to be successful, peacekeeping operations will have to be followed by well-conceived and implemented post-conflict programmes related to cross-cutting issues involving the areas which are covered by the Security Council and the Economic and Social Council, bringing about cooperation between those two organs. The consolidation of peace following a successful peacekeeping operation stands as one of the main challenges to be addressed by our Council. This is therefore a timely debate.

Let me end by commending you, Madame, for including this theme on your agenda.

The President (*spoke in Spanish*): I thank the representative of Angola for his kind words addressed to me.

Mr. Cunningham (United States of America): First, let me join others in welcoming you back to the Council, Madame. I want to express my delegation's appreciation that you are again leading our Council's deliberations on a topic of such complexity and

genuine importance. Your presence adds significance to our debate today and is clear evidence of your personal commitment and that of Ambassador Muñoz and the Chilean delegation to finding creative ways for the Security Council better to meet future challenges.

Like many people around the world, Americans also live in a post-conflict society. Although our wrenching national tragedy — what we call the Civil War — ended nearly a century and a half ago, its echoes have been felt throughout the intervening generations. Historians have written volumes about the issues related to national reconciliation faced by the United States as the agonies of war gave way to the promise and realization of a reunited, peaceful and prosperous nation.

Although our own reconstruction was obviously achieved without the assistance of the United Nations, we believe that the issues we faced as a nation still have relevance to nations attempting to recover from their own, more recent national nightmares. The need to address issues of transitional and long-term justice, reconciliation, the establishment or reinvigoration of democratic institutions, economic restructuring and recovery, and reintegration into the community of nations remains as critical and as challenging today as it was when we began our effort to address some of those same issues as a post-conflict nation, beginning in the latter half of the nineteenth century. Our effort continued through the twentieth century and, in some ways, is still ongoing this very day.

But twenty-first century circumstances offer enormously promising new opportunities for nations facing the challenges of post-conflict national reconciliation. Advances in communications and the increasing interdependence of our world mean that national tragedies are now played out on the world stage. A growing sense of commonality and shared experience has increased the number and scope of potential remedies available as countries begin their long roads back to peace, justice and normalcy.

Intra-State conflicts are fundamentally different from those that occur between nations and it is an unfortunate fact of recent history that deadly conflicts are increasingly occurring within, rather than between States. Unlike traditional conflicts between States, where the belligerents can be expected to return to their own territories, in these conflicts former belligerents must, at the end of the conflict, resume their roles as

neighbours and fellow citizens. That was the case in my country at the end of the Civil War.

Finding a home to come home to is the great task of any post-conflict society. Among the most significant potential resources available now to assist nations in their effort at post-conflict national reconciliation — finding that home to come home to — is the United Nations itself. In its deliberations last week, the Council focused on children and armed conflict. Finding homes for those children to come home to poses a unique and special challenge. Indeed, all the disarmament, demobilization and reintegration programmes and activities of the United Nations and other international actors are, in a very real sense, the mechanism to accomplish that goal.

The various organs and specialized agencies of the United Nations have experience and demonstrated expertise in a number of relevant areas. The scope and duration of the United Nations direct involvement should and will vary considerably from case to case. We may use it to go as far as creating an interim administration that effectively becomes the post-conflict governing authority until local authorities are ready to assume that responsibility themselves. In other cases, the United Nations involvement may be more narrowly focused, drawing on the wide range of capabilities it can bring to bear, many of which we have already discussed this morning. Our task as the international community and as the Security Council is to find the right set of tools to help bridge the gap between the end of conflict and the resumption of normal economic life in a reconstituted society.

Others have noted that each national situation is unique. The United Nations experience over the years in dealing with conflicts at varying stages and in different capacities makes it a repository of knowledge and a valuable unifying instrument that can materially enhance the effectiveness of international assistance to a nation embarking on the path of reconciliation and recovery.

My delegation looks forward to hearing from others about their individual reconciliation experiences and I think the intervention by the representative of Angola was very illustrative in that regard. Lessons learned from the past may help us address the cases of national reconciliation that will — unfortunately but inevitably — face us in the future. In those future cases, as with those in the past, there will be no easy

prescriptions for success and the cost of failure will be almost immeasurably high.

That said, it is the belief of my Government that the establishment, restoration or preservation of democratic governance should be the most important overarching objective of post-conflict reconciliation. Only thus can the requisite political will and commitment to recovery be built and maintained. Such will is a fundamental precondition for reconciliation. Without developing democratic governance, the likelihood of successfully addressing the critical questions of justice, truth and equitable reconstruction will be vanishingly and tragically small.

Mr. Cheng Jingye (China) (*spoke in Chinese*): I wish to begin by thanking the delegation of Chile for its initiative of convening this open debate. I welcome your presence here, Madame, to preside personally over this important meeting.

I wish to thank Mr. Kalomoh, Mr. Malloch Brown and Ms. McAskie for their statements.

National reconciliation is an important condition for lasting peace and stability in post-conflict regions. When conflicts end, if the parties concerned do not put aside their old grievances, a genuine consolidation will hardly be possible and the flames of conflict are likely to be rekindled. In many instances, post-conflict national reconciliation requires joint efforts on the part of all the parties concerned, as well as support and assistance from the international community, in particular the United Nations.

Over the years, the United Nations has played a useful role in post-conflict national reconciliation processes, thereby acquiring a great deal of experience. We believe that if it is to be successful in helping to facilitate post-conflict national reconciliation, the United Nations should effectively address three specific relationships. The first of these is the relationship between immediate needs and long-term goals. Generally speaking, national reconciliation is a process that cannot be completed overnight. Each phase of the process should have its own focus. The first priority, at the outset of the post-conflict national reconciliation period, is that former combatants lay down their arms so as to create a secure environment. In this phase, the focus should be the disarmament, demobilization and reintegration of former combatants into society. The advantage that the United Nations has in this field must be brought fully into play.

From a long-term perspective, durable national reconciliation must be based on the creation of adequate economic conditions. After the situation has stabilized, the United Nations should actively mobilize the international community to effectively help the countries concerned to achieve economic reconstruction and development.

Secondly, as regards the relationship between justice and stability, national reconciliation requires that the perpetrators of acts that violate international humanitarian and human rights law be punished in order that justice be upheld. At the same time, efforts must be made to avoid a negative impact on the peace process and to forestall the development of new conflict in society. In certain circumstances, therefore, amnesty is indispensable to national reconciliation. In the words of the Secretary-General, Mr. Kofi Annan, if we always and everywhere insist on uncompromising standards of peace, a delicate peace may not survive.

Over the past 10 years or so, some post-conflict countries have taken a variety of measures to ensure justice for victims. Such measures include the establishment of truth and reconciliation commissions and special courts, the holding of national dialogues and the improvement of the justice system, for all of which the United Nations has provided assistance. Relevant United Nations agencies need to take stock of their experience in this regard so as to ensure that United Nations actions have a positive impact on national reconciliation, as well as on the peace process.

Thirdly, with regard to the relationship between international support and ownership by the parties concerned, post-conflict national reconciliation is not possible without the support and assistance of the international community and the United Nations. At the same time, national reconciliation within a country will depend, in the final analysis, on the efforts of all the parties concerned in the country. The support and assistance of the international community must therefore be based on an understanding of and respect for local conditions, traditions, history and culture, and its focus must be on their local interests and needs. Nothing should be imposed upon them.

China supports an active role by the United Nations in helping the countries concerned to achieve post-conflict national reconciliation. In view of the fact that various phases of the national reconciliation process often involve a number of different United

Nations departments, we hope that the United Nations will enhance its internal synergy and take stock, on an ongoing basis, of its experiences and of lessons learned so that its role in the process can be further improved.

Mr. Adechi (Benin) (*spoke in French*): We are delighted to see you, Madam, presiding over our work. We are grateful to you for having organized this open debate. We listened with great attention to the outstanding briefing given by Mr. Kalomoh, as well as to the statements by Mr. Malloch Brown and Ms. Carolyn McAskie.

There can be no doubt that the international community is making an enormous effort to put an end to conflict by securing ceasefires and encouraging warring parties to conclude peace agreements. Concluding and implementing a peace agreement is just the initial phase in a long process of national reconciliation that must be encouraged and supported, because it is the best defence against the re-emergence of conflict. The success of national reconciliation will determine how lasting the peace will be.

Even if conflicts in Africa have certain features in common, every conflict has its own specific characteristics and the actors involved vary from one conflict to another. Examples of successful reconciliation show that there is a need for an integrated approach to be taken to the process of reconciliation — an approach that looks to the long term. The process of reconciliation cannot and should not be a short-term exercise, because it must bring together social, economic and political elements in a coherent political programme, with a view to rebuilding the State and revitalizing the institutions of good governance. The goal should be achieved using long-term solutions.

The specific nature of each situation must be borne in mind, and that is why ownership of the process of national reconciliation is crucial. The parties must be allowed to state their views and concerns. Participation in the process of reconciliation must be as inclusive as possible, and the United Nations or the regional organizations must play a facilitating and support role in this regard.

It is important that discussions take place as much as possible in the national language, or that interpretation be made available, so that contributions can be made at the grass-roots level. The national dialogue organized in Niger with United Nations

support is an example of good practice from the standpoint of ownership of or representation in the process of national reconciliation.

Reconciliation involves action to prevent the re-emergence or outbreak of an internal conflict. Here, I would like briefly to allude to the process of reconciliation in the context of the non-violent restoration of democracy. Benin has had some experience in this area. Fortunately, we did not have to deal with an armed conflict, but all the ingredients were present for the outbreak of civil war.

In keeping with the very African practice of negotiating under the banyan tree, the National Conference of February 1990 brought together representatives of all social groups, whom we in Benin referred to as the dynamic currents of the nation, in order to find the most appropriate way in which to resolve the crisis.

After eight days of debate, a consensus draft of a social document was agreed to. The fundamental texts were drafted and adopted during a transitional period of 12 months, following which a new democratic political system was established. Fourteen years later, democracy, which was restored to Benin, is taking root and ensuring social peace and political stability.

The success of the national reconciliation process in Benin owes its success, first and foremost, to the fact that the political stakeholders abandoned force and violence. The second element — which was decisive — was the fact that priority was accorded to the political and economic dimension and to restructuring the State, rather than to finger-pointing. In order to strike a balance, to ensure that impunity was not encouraged and to bring about social peace, financial reparations were provided in the case of proven human rights violations.

At a more general level, political transition has an important role to play in the restoration of confidence and the strengthening of national reconciliation. Given the competition inherent in any election, hastily organized elections could jeopardize a fragile balance that has not been fully consolidated. A Government of national unity or other power-sharing arrangements may prove to be necessary — indeed, they may be preferable.

It is often forgotten that democracy only survives because democrats are there to guide its institutions. In

general, it is better to take the time to build a consensus according to the rules of the political game before embarking on the electoral process. In achieving such a political process, rather than hastily organizing legislative elections, it is sometimes a good idea to establish an advisory body to consider crucial political, economic and social questions — a body in which all stakeholders in the country are represented.

Regarding the choice between amnesty and ad hoc tribunals to bring about national reconciliation and lasting peace, here again we believe that the nature of each conflict and of the reparations to be made should prevail. There needs to be a process of reflection on the notion of war crimes in a situation where there is no longer a regular army but only barbaric armed gangs. Flagrant human rights violations, crimes against humanity and genocide should not be tolerated and require punitive justice.

The United Nations has an important role to play in the reconciliation process by strengthening the fragile environment in which such a process takes place. The United Nations may assist civil society, which is often a weak and poorly organized element among the parties to a dialogue. The United Nations can promote social peace by helping to reduce economic inequalities. It can supervise the disarmament, demobilization and reintegration of former combatants, with special attention being paid to child soldiers. It can help the subregional organizations to carry out projects that strengthen subregional unity and cohesion.

Finally, the United Nations can strengthen reconciliation by promoting real prospects for social progress by reweaving the social fabric. Ongoing economic assistance to countries in a post-conflict situation is essential in order to restore the general socio-economic balance and to guarantee human security.

It is for that reason that the United Nations must also take into account the impact that poverty continues to have on development and security.

The President (*spoke in Spanish*): I thank the representative of Benin for the kind words he addressed to me.

Mr. Motoc (Romania) (*spoke in French*): The Romanian delegation wishes at the outset to associate itself fully with the statement to be made later by the

Irish presidency of the European Union. I wish, through you, Madam Minister, to express our gratitude to the Chilean presidency for having inscribed this item, which is of a universal character, on the Council's agenda.

The Council is an organ that is essential to international stability and security. However, we often find ourselves running from pillar to post, trying to manage the consequences of conflict, with no time to think about ways of increasing the effectiveness of the solutions we are proposing. In that regard, today's debate can add real value to our thinking about the best means to guarantee lasting solutions to conflicts, most of which, regrettably, have been on the Council's agenda for far too long.

Let us recall that all conflicts destroy not only lives and economies, but also the social fabric that is essential to a functioning society. To make peace prevail and to rebuild infrastructures are vital activities, but they cannot guarantee a permanent end to a conflict. Here we see the need for an integrated approach — political, even military, economic and social — that is present from the very beginning of the Council's reflection on means of restoring stability to crisis areas.

Above all, let us make no mistake; there can be no lasting solution without reconciliation. The persistence of hatred and resentment means, at best, a paralysed society that is incapable of working for its own progress. At worst, it means the probability of a relapse into murderous folly.

Allow me to touch briefly on a subject that is of great importance to the Council: peacekeeping operations. Peacekeeping forces are doing excellent work, interposing themselves, often at the risk of their lives, between rival factions. We must ensure that such missions are put together and equipped in such a way that their action of separating rival parties is supplemented by efforts to bring them together. United Nations forces must not prolong situations of division; they must contribute to the political and social reunification of areas in crisis.

We must not overlook the fact that to speak of reconciliation means taking into account complex disputes that are often difficult to overcome. That means that we must be able not only to contain such disputes to prevent them from recurring, but also to identify, if possible, the principal parties involved.

There are no societies in which reconciliation can be based on individual forgiveness and on forgetting past injuries. To think otherwise would be to labour under a dangerous illusion.

Romania recognizes the unquestionable contribution made to reconciliation by justice in general and in particular by the establishment of international or national ad hoc courts for the most serious crimes. Impunity cannot be accepted as a basis for building a society, because it will permanently undermine confidence in the legal system and encourage future atrocities.

We would mention also the need, in order to strike a balance, to recognize the important role played by amnesties, which, if wisely managed, can contribute greatly to reconciliation. There are, of course, myriad other areas that can contribute to the success or failure of a reconciliation process. We believe that nothing can argue more convincingly in favour of reconciliation than the promise of a decent and stable life.

Another very important element is political reform and the rule of law. In that regard, the role and capacities of the United Nations are invaluable. Good guidance in the context of reform processes is vital, because such processes, if correctly managed, can lead to a moral dynamic, social cohesion and the good will that is necessary to achieve true reconciliation.

The first example that comes to mind in this regard is that of Georgia, where, we believe, a sound programme of economic and political reforms, assisted by a resolute fight against corruption, can have a positive impact on the peace process.

However, United Nations representatives must pay attention to the real political conditions on the ground. They have the support of this delegation for a pragmatic approach, because sometimes a political reform that is too rapid, or inadequate, can be counterproductive to international efforts.

Romania does not wish to let this opportunity go by without touching on some specific aspects relating to the Council's aims with regard to the process of national reconciliation.

For that reason, we would appeal, in the context of resolution 1244 (1999), to the population of Kosovo and to its leaders — Albanian Kosovars and Serb Kosovars alike — to commit to a true reconciliation. Absolute priorities at this time are participation in the

drafting and implementation of a plan of application of the standards for Kosovo, and in particular participation in the direct dialogue between Belgrade and Pristina, which, indeed, is one of those standards.

Allow me to close my statement on this complex subject with a few comments on the role that the Council can play.

National reconciliation cannot be achieved overnight. It is a complex and very delicate psychological process that requires several generations to come to full fruition. For that to happen, there must be a sound initial framework and constant encouragement for the parties in the initial post-conflict stages.

There is no single solution for all conflicts and all parties involved in conflicts throughout the world. For that reason, we are convinced that the Council must have a firm grasp of the political dynamics on the ground and a clear picture of the broader regional or subregional context. It is also important for peacekeeping missions and representatives of the international community and of the United Nations to have a clear mandate and be vested with an authority that is fully supported by the Council in order to make progress in very difficult political and security conditions.

The meeting was suspended at 1.30 p.m.



Security Council

Fifty-ninth year

Provisional

4903rd meeting

Monday, 26 January 2004, 3 p.m.

New York

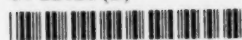
<i>President:</i>	Mrs. Alvear Valenzuela	(Chile)
<i>Members:</i>	Algeria	Mr. Bencherif
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Cardoso
	China	Ms. Jiang Ning
	France	Mrs. D'Achon
	Germany	Mr. Much
	Pakistan	Mr. Shah
	Philippines	Mr. Lacanilao
	Romania	Mr. Dumitru
	Russian Federation	Mr. Knyazev
	Spain	Ms. Menéndez
	United Kingdom of Great Britain and Northern Ireland	Ms. Moir
	United States of America	Mr. Olson

Agenda

Post-conflict national reconciliation: role of the United Nations

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-22028 (E)



The meeting resumed at 3.10 p.m.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as Minister for Foreign Affairs of Chile.

Chile proposed to the members of the Security Council the holding of this open debate on post-conflict national reconciliation and the role of the United Nations in the conviction that the reconciliation of societies fractured by conflict is a condition indispensable for the achievement of lasting peace. Without it, conflicts can re-emerge and become new crises for the Council.

After conflicts, societies face many challenges: demands for justice and accountability, the search for truth, compensation for victims, the rule of law, stability and the building of a future without losing sight of the past. The objective of this debate is to consider ways in which the United Nations can systematize experiences that will enable it to identify elements associated with reconciliation processes in the context of post-conflict strategies. The traumatic consequences of a crisis require that a moral, institutional and socio-economic reconstruction process be able to build a new order in which there is a sense of belonging, thereby avoiding a return to the conflict situation.

Reconciliation is not a utopian objective; it is the collective response of a society emerging from crisis whose fabric has been torn asunder. Reconciliation puts an end to the cycle of violence, laying the foundations for a new coexistence. Efforts must be focused on creating conditions that promote reconciliation, which can in no way be imposed. That is a complex task in which we need to consider the diversity of the historical experiences — namely, the political and socio-cultural realities — of the affected country.

It is in the post-conflict stage that the United Nations has an opportunity to contribute to the moral and material rebuilding of institutions. The Organization's responsibility goes beyond restoring peace and minimum conditions for security after a conflict; it involves cooperation to restore the capacity for dialogue between the various social actors, respect for diversity and the will to work on a common project.

The United Nations has had and must maintain the status of an independent and legitimizing body whose purpose is to guarantee conditions for a stable

peace. The multidimensional nature of the concept of reconciliation offers the United Nations a broad range of options for post-conflict action. It is in that light that we must view efforts aimed at restoring civil institutions, establishing or reforming judicial systems, adopting measures to strengthen respect for human rights and promoting democracy. A reconciliation strategy must have as its basic principles truth, justice and compensation, which should be accompanied by vital economic and social policies.

Together with judicial action, the path to reconciliation requires clear moral and material compensation policies for victims and their families. The promotion and protection of human rights and of international humanitarian law must inform such policies in order to guarantee and strengthen peace.

Reconciliation processes must take into account the particularities of each situation. What is appropriate in one place and at a given time may not be appropriate in other circumstances. There are no universal formulas for achieving reconciliation.

We think reconciliation is a key dimension of the work that the United Nations can do in the post-conflict stage. We should consider a comprehensive coordination effort within the system. We believe that that objective will be facilitated with the establishment of a focal point to coordinate United Nations action on issues concerning reconciliation in its principal organs, in peacekeeping operations, in the work of special representatives and envoys of the Secretary-General, in the activities of high commissioners and in United Nations agencies and programmes. Such a comprehensive effort should also extend to financial institutions, regional organizations, civil society and national and local bodies.

Peacekeeping operations must continue to make progress with regard to the inclusion of experts with practical experience in post-conflict reconciliation. An appropriate reconciliation strategy must take into account the role played by women in the peace-building process and the contributions that they can make to the design and implementation of reconciliation strategies. Reconciliation programmes must also take into account the special needs of boys and girls affected by war.

We trust that the outcome of this debate will enable us to make progress so that the United Nations can help to end the cycles of crisis that disrupt national

and regional stability and world peace. We face an important challenge for the Organization, for the realization of universal values and for the building of a world in which peace and justice prevail.

I now resume my functions as President of the Security Council.

I should like to inform the Council that I have received a letter from the representative of Cameroon, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representative of Cameroon took the seat reserved for him at the side of the Council Chamber.

The President (*spoke in Spanish*): I wish to remind all speakers of what I indicated during the morning session: I ask them to kindly limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their text in writing and to deliver a condensed version when speaking in the Chamber.

Also, I shall not individually invite speakers to take a seat at the table and invite them to resume their seats at the side of the Chamber. When a speaker is taking the floor, the Conference Officer will seat the next speaker at the table. I thank representatives for their understanding and cooperation.

The next speaker inscribed on my list is the representative of Ireland.

Mr. Ryan (Ireland): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; the candidate countries Bulgaria, Romania and Turkey; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and

Montenegro; and the European Free Trade Association countries members of the European Economic Area, Iceland and Norway, align themselves with this statement.

Madam President, we are again honoured by your presence today, and we are grateful to Chile for organizing this important debate. We also wish to express our appreciation for the thoughtful and informative briefings that Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs, Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme and Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator, gave the Council this morning. Our theme today — the role of the United Nations in assisting national reconciliation in post-conflict situations — deals, in many ways, with the essence of our aspirations for countries emerging from conflict: the healing of old hurts and a fresh start based on collective acknowledgement of the past and some sort of shared vision for the future.

National reconciliation is both a process and the goal. On many of the issues already or currently being addressed by the Security Council — peace-building, disarmament, demobilization and reintegration (DDR), economic reconstruction, establishment of the rule of law, creation of institutions to promote and protect human rights and fundamental freedoms, and addressing the issue of impunity — we must keep in mind that end goal of a new dispensation by which a once divided people can feel that their concerns and their needs are acknowledged and addressed. The Council has addressed a number of these interlocking issues, including most recently in September 2003 under the United Kingdom presidency, when it examined the issue of justice and the rule of law and the role of the United Nations. The then presidency of the Council described that meeting as the start of a process. Today the Council continues that process. We believe that in the future, it could also engage in a dialogue with the Economic and Social Council in furthering this agenda.

Post-conflict situations pose numerous and formidable challenges. The European Union believes that only by the adoption of a comprehensive and concerted approach to all peace-building challenges can the process towards longer-term political stability and societal well-being be confidently begun. The United Nations is in a unique position to deliver an

integrated approach bridging political, peacekeeping, humanitarian, human rights, judicial and development actors.

As far back as April 2001, in his report to the Security Council entitled "No exit without strategy: Security Council decision-making and the closure or transition of United Nations peacekeeping operations" (S/2001/394), the Secretary-General remarked that reconciliation cannot be imposed. Lasting national reconciliation will always prove elusive without sustained national commitment at the governmental and institutional levels.

Experience suggests that some broad principles to underpin national reconciliation can be developed, even though their application will have to be tailored to each situation. Among these are, first, inclusiveness. National reconciliation will not take root if some groups or sections of the population are excluded from the process of nation-building. In this regard, greater attention should continue to be paid to the role of women.

The second principle is transparent equality of treatment. It is important that all sections of the population be treated equally before the law, as well as in access to services such as education and employment, and that the rights of minorities are adequately protected.

The third principle is social and economic integration. For peace to be sustainable, warring factions must be brought together, clear understandings must be reached and integration or reintegration must take place. The focus of DDR programmes is on former combatants. This is painstaking but vitally important work. For the reintegration of former combatants to be successful, it is important that measures be taken to stimulate local and national economic activity in order to avoid the creation of a vacuum in which illicit activity becomes attractive. It is equally important, in this regard, that attention is paid to the legitimate economic and social needs of civilian populations, whose lives and livelihoods have often been destroyed as a result of conflict. The equitable sharing of resources between communities may also be mentioned in this context.

The fourth is reform of institutions. This is necessary to ensure that inequalities of the past are not repeated.

The fifth principle is constitutional reform. In many cases, a new beginning will require the fundamental rewriting of an existing constitution or the elaboration of a new constitution.

The sixth is healing. Fully normalized circumstances cannot be realized in the absence of a firm resolve to heal the psychological wounds inflicted during times of conflict. Crucially, transitional justice mechanisms, as the Secretary-General observed last September "need to concentrate not only on individual responsibility for serious crimes but also on the need to achieve national reconciliation". (S/PV.4833, p. 3)

The seventh principle is the promotion and protection of human rights and fundamental freedoms. The provision of human rights education and the raising of public awareness should be considered.

The eighth is parity of esteem. In many cases, it may be necessary to adopt measures to ensure that differences of ethnicity, culture or religious tradition are acknowledged and respected.

The ninth is reconciliation programmes which acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. Naturally, these may take various forms, and the particular circumstances in the affected country need to be taken into account.

The tenth principle is post-conflict environmental assessment. Analysing the environmental effects of conflicts is also important for national reconciliation, and its neglect could cause delay in the reconstruction process. In that context, the European Union recognizes the important role played by the United Nations Environment Programme.

In concrete terms, two aspects of the continued dedication of the United Nations to the cause of national reconciliation might be mentioned. First, national reconciliation is a primary objective in United Nations peacekeeping and peace-building operations in post-conflict States. Many peacekeeping or peace-building operations may be mentioned in this context. They include Angola, Afghanistan, East Timor, Kosovo and Burundi; the engagement of the Security Council in Sierra Leone, Liberia and Côte d'Ivoire are further examples in this regard. There are still challenges of enhanced cooperation and coordination among the relevant United Nations actors at the field level, in particular between the political and the development

actors. We therefore urge the various entities of the United Nations to continue their efforts of enhanced collaboration. We also urge that aspects of national reconciliation become integral parts of collective United Nations country strategies. In this regard, we would also highlight the need for enhanced cooperation with the Bretton Woods institutions. For the donor community, a particular challenge is the provision of adequate financial resources during the transition phase.

Secondly, genuine national reconciliation is often beyond reach unless those responsible for egregious crimes are held to account. The ongoing work of the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the initiative to prosecute former members of the Khmer Rouge in Cambodia and the judicial mechanisms put in place in post-conflict East Timor and Kosovo are testimony to the United Nations firm belief in and commitment to this aspect of fostering national reconciliation.

However, it is worth bearing in mind the note of caution expressed last September by the Secretary-General to the effect that, at times, attempts to balance the demands of peace and justice can pose a difficult dilemma. Ultimately, each society needs to form its own view about how to strike the right balance between the goals of penal justice and reconciliation.

While a balance must be struck, the European Union also agrees with the Secretary-General that there should be no granting of amnesties for war crimes, genocide, crimes against humanity or other serious violations of international human rights and humanitarian law.

Many member States of the European Union have actively contributed to the establishment and proper functioning of the International Criminal Tribunals in The Hague and Arusha from the time of their inception. Recognizing its importance, the European Commission has recently made a contribution to the Special Court for Sierra Leone. A number of European Union member States have also contributed significant amounts in their own right to the Special Court. The European Union has, in addition, offered both political and financial support to national truth and reconciliation commissions and initiatives in a number of United Nations Member States.

The European Union also strongly believes that the International Criminal Court provides a powerful, permanent instrument of deterrence against genocide, crimes against humanity and war crimes. The European Union remains firmly committed to the Court's effective functioning, being of the view that, in addition to providing a powerful deterrent to would-be tyrants, it is also an essential means of promoting respect for international humanitarian law and human rights law, thus contributing to freedom, security, justice and the rule of law and to the preservation of peace and strengthening of international security.

The main burden, however, for prosecuting those responsible for atrocities will have to be carried by domestic legal systems. The restoration of domestic legal systems and support for domestic legal prosecutions is therefore a crucial task for the international community in post-conflict situations and in countries at risk.

Because of its nature, reconciliation relates closely to, or includes, the issue of justice. It is also difficult to address reconciliation without taking into account the rule of law, not least from a preventative perspective. The European Union therefore believes that the report being prepared by the Secretary-General as a follow-up to the Security Council debate in September on justice and the rule of law and the role of the United Nations, could benefit from taking into account some of the observations articulated today.

Finally, in an address to the Commissioners of East Timor's Truth, Reception and Reconciliation Commission in May 2002, the late Sergio Vieira de Mello stated:

"You have been called to help reconcile the divisions and hurt amongst your people. No task is more ... crucial if a society split by terror and politics is to regenerate and become a place where human dignity is respected."

By its very nature, national reconciliation is one of the more tortuous and protracted challenges confronting post-conflict States. If painful political experience has taught us one thing, however, it is that the cathartic process of national reconciliation is a *sine qua non* for achieving lasting stability.

The President (*poke in Spanish*): I thank the representative of Ireland for the kind words he addressed to me.

I now give the floor to the representative of Croatia.

Mr. Drobnyak (Croatia): Croatia aligns itself with the European Union statement on the important topic we are dealing with today. Nonetheless, I would like to add some further points stemming from Croatia's hard-earned experience on the matter.

The complexity of post-conflict management could probably be best explained through the metaphor of growing a tree. To grow a strong and long-lasting tree with deep roots and wide branches, many components are required, such as soil, water, sunshine and nutrition. But, above all, time and patience are of the essence. Unfortunately, in many post-conflict areas, the international community's approach sometimes lacks both in trying to achieve too many things in too little time.

Like the growth of a tree, post-conflict reconciliation cannot be rushed. It can be assisted through political, financial, technical and other means, but it cannot be imposed from the outside. Like a tree, when the moment is right, it will grow and blossom. If it is not yet an opportune time, if it is still early in the process, external pressure can only damage the fragile growth.

There is an important distinction between confidence-building and reconciliation. The former is a crucial prerequisite for the latter, and only when the two sides gain confidence in each other can the process of reconciliation begin. To ignore the differences between the two will slow down the process. The respective populations at the grass-roots level are fully aware of these differences. This is a fact no international mediation or assistance effort should overlook. In this highly sensitive process, one must carefully listen to the voices of the region, of the nations and of the individuals concerned and respect them.

From the pragmatic point of enhancing the efficiency of our efforts, it would be more than useful to precisely define what the two terms — confidence-building and reconciliation — consist of, and to keep those definitions in mind while conducting the international community's work on the ground.

From our point of view, pivotal confidence-building measures are, among others, the return of refugees and displaced persons, exchange of data on

missing persons, strengthening stability along borders, arms-verification mechanisms, joint projects aiming at cross-border cooperation and the fight against organized crime, sport competition, and economic cooperation, based primarily on private entrepreneurship.

Allow me to briefly point out, starting from Croatia's experience, two key components that serve as the bedrock for post-conflict confidence-building and consequent reconciliation. These are prospects and justice.

Providing the population in war-torn areas with the prospect of a better life is the best possible investment in national and regional stability. These prospects go way beyond basic economic categories, although providing steady jobs for the respective population, especially for former combatants, remains an unsurpassed priority. A quest for new vehicles of cooperation and coexistence that will provide a secure framework for democratic and economic prosperity is what former enemies usually have in common. The international community should assist them as much as possible to fulfil this quest fruitfully and in the shortest possible time.

Commonly shared goals and interests are at the core of the confidence-building process. The prospect of joining the European Union, for example, serves as a strong incentive for all the countries in the area of the former Yugoslavia, initiating a number of far-reaching reforms in the fields of the economy, justice and domestic affairs.

Because of the strategic importance of this prospect for every individual and for the country as a whole, it is of the essence not to blur it or put it beyond reach. The prospect has to be clearly defined and the road towards it must be cleared of moving benchmarks and ever-growing conditionalities.

Over the last decade, it has become evident that the issue of justice tops the agenda that has to be addressed in post-conflict societies.

When respective countries are unwilling or unable to face the responsibility of crimes themselves, the international community has to be ready to step in. On the other hand, we should encourage domestic judicial systems to deal with this pivotal issue and, once the conditions are fulfilled, to transfer to domestic courts as many war crimes-related files as possible.

Justice is often referred to as a parent to peace. It is indisputably an essential part of confidence-building and reconciliation. In addition to that, amnesty and forgiveness are equally important elements of the healing process in fragile post-conflict societies. However, we must be aware of the fact that, as much as they can reconcile, these approaches can add to the polarization of societies. That is why any external influence has to be carefully measured in order to strike the right balance between judicial and non-judicial means in achieving confidence-building.

Justice has to be served, but a historical record that leaves no room for misinterpretation must be preserved as well. Forgiveness does not necessarily include forgetfulness. History should not dictate the course of the future or be pushed into oblivion. Justice well and justly served fortifies a country's political stability by creating a new moral climate centred around the rule of law and respect for human rights, while avoiding denial about the past and the causes of conflict.

In conclusion, let me emphasize that Croatia remains determined to continue promoting confidence-building and good-neighbourly relations throughout South-East Europe. In this respect, I would like to conclude by quoting the newly-appointed Prime Minister of Croatia, Mr. Ivo Sanader, who recently stated:

"It is with renewed courage that we build a more tolerant society, a society of patience and trust, so as to achieve the victory of forgiveness and compassion over the challenges of divisions and disparities."

The President (*spoke in Spanish*): I call on the representative of Sierra Leone.

Mr. Rowe (Sierra Leone): This is the fourth statement in two weeks by the delegation of Sierra Leone in the Security Council. The frequency of our appearance before the Council within this short period is an indication of the relevance to Sierra Leone of the issues on the Council's agenda and of the high level of seriousness our Government attaches to these issues. To Sierra Leone, a poor country struggling to recover from one of the most horrendous conflicts in recent years, these issues are matters of life and death. My delegation appreciates the opportunity to express its views on them.

As a country in a post-conflict phase, Sierra Leone heartily welcomes this debate on the role of the United Nations in post-conflict national reconciliation. The fact that we are here to define the role of the United Nations in this phase of the peace process underscores the Council's understanding of the decisive significance of the phase in the pursuance of sustainable peace. While our contribution to the debate is based mainly on our own situation, there is no doubt that what obtains in Sierra Leone could be applied to other post-conflict situations, especially in Africa.

Our practical experience in Sierra Leone irrefutably confirms that reconciliation is the single most important aspect of post-conflict peace management. The guns may be silent — and, indeed, they have been silent for nearly two years now — but the divisions remain and reveal themselves in many ways, some in subtle ways, others in overt ways. We are aware that these differences can only disappear if the wounds of the war are healed and the scars are seen only as reminders of conflict-relapse prevention. We are also aware that genuine national reconciliation is a process that is driven by the courage to forgive, the common sense of peaceful coexistence, a deep sense of belonging that compels parties to the conflict to compromise in the interest of their country, and the desire to participate in the effort to address the issues that engender discord.

In its quest to promote national reconciliation as the pivot of durable peace, Sierra Leone has instituted two accountability mechanisms that are running rather uniquely concurrently. These are the Truth and Reconciliation Commission and the Special Court, established on the principles that meaningful peace is possible only with proper understanding of the causes and character of the conflict, and that peace without justice is like a house without foundation.

Specifically, the Commission, with no punitive power, has the responsibility to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, to address impunity and respond to the needs of victims, to promote healing and reconciliation, and to prevent a repetition of the violations and abuses suffered. The fact that both our President and the minority leader of Parliament have testified before the Commission emphasizes the importance the leaders and people of Sierra Leone attach to it as a national reconciliation mechanism.

On the other hand, the Special Court has been set up to try those who bear the greatest responsibility for human rights excesses committed in the conflict, thus facilitating national reconciliation through justice.

The history and operation of these two transitional post-conflict institutions in Sierra Leone, especially the Special Court, and similar institutions elsewhere are very well known to this Council. The Special Court in particular is a joint creation of Sierra Leone and the United Nations. They demonstrate that the United Nations is in fact playing major roles in post-conflict national reconciliation, especially to ensure that people are held accountable for human rights excesses in conflict, to promote the rule of law, to eliminate the culture of impunity and to promote constitutionally legitimate ascendancy to political leadership — all of which have considerable contributions to make to national reconciliation.

Already, United Nations agencies, notably the United Nations Development Programme and the United Nations Children's Fund, are engaged in activities that are fundamental to national reconciliation in Sierra Leone. In my delegation's view, therefore, the United Nations should now expand these activities in the following ways.

First, since the post-conflict phase is absolutely critical in the transition from conflict to durable peace, it should be made an integral part of all United Nations peacekeeping operations.

Second, as the most important element of the post-conflict phase, national reconciliation activities should be adequately funded and intensively and extensively monitored and evaluated by the United Nations. Properly designed and executed, post-conflict programmes can serve as a barometer of successes in the peace process.

Third, the United Nations should work closely with civil society groups, formal and non-formal institutions, and traditional and cultural leaders to promote national reconciliation in post-conflict phases.

Fourth, the United Nations should conduct a comprehensive assessment of the post-conflict national reconciliation needs of every conflict, bearing in mind the causes, nature and consequences of the conflict and the welfare of the victims, who are critical in national reconciliation.

Fifth, a United Nations committee to facilitate and coordinate the reconciliation activities of every post-conflict situation should be formed.

Sixth, a mechanism for post-conflict reconciliation should be included in all peace agreements, as in, for example, the Sierra Leone 1999 Lomé Peace Agreement, in which some mechanisms — notably a Truth and Reconciliation Commission, a Commission for the Consolidation of Peace and a National Commission for Democracy and Human Rights — were provided for.

Seventh, the United Nations should actively support the process of reintegration as an essential component of national reconciliation, with special focus on ex-combatants.

Although this debate is on post-conflict national reconciliation, I would like to remind everyone that there is hardly any conflict in the world today without a regional and/or international dimension — at least, I cannot think of any conflict in Africa today that is an exception to that. Measures to address post-conflict national reconciliation, therefore, should go beyond national boundaries and actively engage external players. The fact is that the fate of some countries in conflict is inextricably bound up with the fate of neighbouring countries. The role of regional organizations such as ECOWAS, with the support and collaboration of the United Nations, in regional and bilateral reconciliation will be critical in that respect.

In conclusion, post-conflict national reconciliation can be a long and expensive process, depending, of course, on the cause, duration, character and effects of the conflict and the willingness or readiness of the parties to the conflict to reconcile. The best results can be achieved if these issues are addressed immediately after the cessation of active hostilities. A vacuum can result in costly reversals, and since the United Nations cannot afford reversals in its peacekeeping efforts, post-conflict national reconciliation should be compulsory and of high priority on its peacekeeping operations agenda.

Let me conclude by reminding the Council that the success story of the United Nations peacekeeping operation in Sierra Leone will never be complete without adequate and sustained support for post-conflict national reconciliation, bearing in mind that national reconciliation is the guarantee for lasting peace, security and development.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Egypt, on whom I now call.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): The issue of post-conflict national reconciliation is of special importance as we consider the future role of the United Nations in peacemaking, peacekeeping and peace-building. No one can overestimate the importance of national reconciliation in rehabilitating societies that have suffered as a result of bitter armed conflict, given the impact of such conflict on the social fabric and economic infrastructure of the States and regions concerned. National reconciliation can help them to start a new chapter and look forward to a future of peaceful coexistence, cooperation and common objectives and interests.

In our view, consideration of the role of the United Nations in national reconciliation should take into account a number of issues and elements. First, national reconciliation processes are, by nature, long-term, since in large part they fall within the concept of peace-building, although preparations for setting up an administrative infrastructure for such processes begin at an early stage in peacekeeping operations. While the main features of the direct role of the United Nations in peacekeeping have become clear — in keeping with the Brahimi report — that role still requires additional definition and clarification with a view to further developing practical ways in which the United Nations can contribute.

Secondly, the requirements and components of national reconciliation operations differ in accordance with the nature of the conflict in question and its historic, cultural, social, political and economic dimensions. The principal means by which the international community can ensure that its efforts support national reconciliation is for it to recognize that no single model can be imposed on all conflicts. Each one should be dealt with in accordance with its specific characteristics and those of the society in question.

Thirdly, ownership of national reconciliation by the parties to a conflict is one of the most important elements on which the international community's action should be based. The driving force is the will of individuals, groups and factions to accept reconciliation, let go of their grievances and bitterness and work to repair the damage that the conflict has

done to the social fabric of the State. In this context, many important elements come into play, such as the administration of justice, the establishment of accountability, compensation for victims' families and balanced participation in the distribution of wealth and decision-making, apologies by the perpetrators to the families of victims, and an appropriate framework to ensure respect for and protection of human rights.

The international community has an important role to play in providing financial and technical support to transitional Governments and, at a later stage, to elected Governments, with a view to establishing the necessary frameworks to provide for all of these elements, including special tribunals, truth commissions, information strategies to enable individuals and groups to recover from the conflict and move to a phase of peaceful coexistence, and effective disarmament, demobilization and reintegration programmes.

Fourthly and lastly, economic incentives are one element that can contribute to national reconciliation processes. It is evident that the economic benefits of peace and stability generate a feeling of hope and optimism for the future, which in turn helps people to get over their feelings of hatred and makes vengeance and violence seem less attractive. In this context, international support should be provided in the form of rehabilitation projects and programmes to establish employment opportunities and to rehabilitate and reintegrate refugees and displaced persons.

In view of those general elements, there is no doubt that the United Nations role in post-conflict national reconciliation is one of support for national, regional and international efforts. In that context, we believe that the United Nations is equipped to coordinate all such efforts, with a clear strategy agreed among Member States that would govern the role of the Organization in peace-building after its peacekeeping mission has ended. That will require a true partnership among the Security Council, the General Assembly, the Economic and Social Council and all other parts of the international system.

The President (*spoke in Spanish*): The next speaker is the representative of Bosnia and Herzegovina, on whom I now call.

Mr. Kusljagić (Bosnia and Herzegovina): Thank you, Madam, for giving me the opportunity to make a statement on behalf of Bosnia and Herzegovina on such

an important issue. As members are aware, Bosnia and Herzegovina is still going through the process of post-conflict national reconciliation — a process in which the United Nations, together with the Peace Implementation Council and the Office of the High Representative, played a key role.

The topic of war and post-war reconciliation, though painful and somewhat embarrassing for us, is one that compels us to speak our mind. The topic is still so controversial that it is difficult for us to agree among ourselves, even though we have aligned ourselves with Ireland's statement on behalf of the European Union.

However senseless, devastating and tragic wars may be, they all are different. They differ in many ways: their nature, their goals, the causes that triggered them, how they ended, and their consequences. Yet they have one thing in common that should serve as a clear warning: they can happen anywhere, and to anyone. Fifteen years ago, living carefree lives in a prosperous country in the heart of Europe, none of us would have believed that a war of such proportions could occur. Yet it did, and it went on uninterruptedly — before the eyes of the entire world — for three and a half years, until the international community decided to put to an end to the suffering of civilians in Bosnia and Herzegovina and to enforce the peace.

With respect to lessons learned, we are certain that everyone will agree that the prevention of conflict and the development of efficient early-warning procedures are among the most important tasks facing the United Nations. The Dayton Peace Accords brought peace but failed to distinguish between the aggressor and the victim. Since that time, we have been methodically examining facts and figures related to the war.

The first fact — perhaps the only one every Bosnian citizen will agree upon — is that there was no winner. Rather, we all lost — each to a different extent, of course, but who can establish an objective measure of a personal loss?

Another fact that almost all parties to the conflict will agree on is that the war was imported to Bosnia and Herzegovina as part of a broader conflict in the region. There are differences of opinion in various parts of the country as to its origin, but, as trials progress at the International Tribunal for the

Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the evidence presented and the verdicts delivered are leading to the conclusion that the totalitarian regime of then-President Milosevic devised a plan to divide Bosnia and Herzegovina by force, annexing the half, more or less, of Bosnian territory that contained his own nationals.

The Tribunal epitomizes the role of the United Nations in the process of post-conflict national reconciliation in Bosnia. Its main task is to prosecute persons responsible for war crimes, thus individualizing responsibilities and absolving nations of potential collective guilt. Its second main task is to establish the facts and set the historical record straight, since, as we established earlier, there was no winner to write the history of that war.

Searching for the truth is like putting together a gigantic jigsaw puzzle — there are so many pieces, and each has to fit in its place. Operative paragraph 17 of General Assembly resolution 57/10 calls for the Secretary-General

“to submit a report on United Nations activities in Bosnia and Herzegovina during the period from 1992 to 2002, in view of the experience gained and lessons learned, as a positive contribution to future United Nations operations”.

That report will, hopefully, provide us with many pieces of the puzzle, making clear the role of the United Nations during the war and in the context of the post-war recovery and setting the facts straight in an objective manner, thus helping local stakeholders to develop a dialogue built on the foundation of the impartial truth. We eagerly await that report.

If we examine the roles of the key players in the war, we can see that one of the very few shortcomings of the International Criminal Tribunal for the Former Yugoslavia, compared with the International Criminal Tribunal for Rwanda, was that it did not identify and punish those media representatives who incited ethnic hatred. The role of the media, controlled and directed by non-democratic regimes in the region of the former Yugoslavia, was a crucial element in the process of manipulation and brainwashing that prepared the ground for the spread of ethnic intolerance and violence.

Moreover, the role of the media in the post-conflict peace-building and reconciliation process is of the utmost importance. The various reconciliation programmes should concentrate on creating an environment that allows independent media to work unobstructed — media whose task will be, along with other civil society actors, to convey the truth about the past and to address the suffering of the victims of violence.

Allow me to draw the Council's attention to one of the most important problems facing post-conflict reconciliation: the issue of missing persons. One of the most tragic consequences of the war in Bosnia and Herzegovina, as in other recent wars, is the vast number of missing persons, mostly civilians. Resolving the issue of missing persons is not only a humanitarian imperative but also a very important political issue, and it is one of the basic preconditions for establishing durable peace and stability.

The primary responsibility for carrying out such tasks lies with the authorities under whose jurisdiction crimes may have been committed. However, if the authorities concerned are not willing to go forward with the excavation of possible mass graves and other investigative activities, the task will pass to international organizations and entities. Such undertakings are expensive and depend on the full political and financial support of the international community, as well as on the military and logistical support of the peacekeeping forces in the field. The process should be properly coordinated, thus avoiding overlapping mandates and providing adequate use of financial resources.

Even though the process of tracing and identifying missing persons in Bosnia and Herzegovina is far from being completed, we would like to take this opportunity to express our gratitude to all the Governments — particularly to the Government of the United States of America — that have provided political and financial support to the process.

Allow me to sum up by making two brief points. First, I cannot stress enough that reconciliation is a fragile, long-lasting and cumbersome process. The mandate of the first High Representative of the International Community to Bosnia and Herzegovina was one year, on the assumption that that was enough time for him to finish his job. Eight years later, the fourth High Representative has as much work to do as

the first one did. The first United Nations peacekeeping mission in Bosnia and Herzegovina also had a one-year mandate. None of the other United Nations peacekeeping operations that followed ever thought that they could complete the mission within a year.

Last but not least, countless examples from recorded history — including that of Bosnia and Herzegovina — teach us a single, valuable lesson: national reconciliation is not possible without a national catharsis. Catharsis can be achieved only by self-examination through the prism of objective and unquestionable facts — provided that all the other necessary conditions exist: an environment free of fear, xenophobia or collective guilt; an atmosphere of dialogue and understanding; and forgiveness, as the most noble of all human virtues.

Truth and reconciliation commissions, international criminal tribunals, special national court chambers, and international and inter-religious institutions are merely the tools that can help achieve that ultimate goal.

The President (*spoke in Spanish*): The next speaker is the representative of South Africa, to whom I give the floor.

Mr. Raubenheimer (South Africa): Madam President, my delegation wishes to thank you for having convened this open debate on the role of the United Nations in promoting national reconciliation in post-conflict situations. While the Security Council has in the past tended to focus narrowly on the resolution of conflicts, experience has shown that the maintenance of peace is sustainable over the long term only if due attention is also given to the achievement of national reconciliation in post-conflict situations. We believe that this subject warrants greater discussion throughout the various organs of the United Nations, and we commend you for having brought this matter to the attention of the Security Council.

In our own country's experience, steps were adopted to create a bridge between the past — that of a deeply divided society characterized by strife, conflict, untold suffering and injustice — and a future built upon the recognition of human rights, democracy and peaceful coexistence for all South Africans. The questions of reconciliation and the future, on the one hand, and the necessity to establish the truth in relation to past events and ensure reparation to the victims of gross human rights abuses, on the other hand, had to be

carefully considered and balanced, both during and after the historic transition from apartheid and oppression to a constitutional democracy.

The Truth and Reconciliation Commission (TRC) was established with the aim of: granting amnesty from criminal and civil liability to people who made full disclosures of acts committed with a political objective during the course of conflicts of the past; affording victims an opportunity to relate the violations they suffered; taking measures aimed at the granting of reparations to victims, restoring the human and civil dignity of victims of violations of human rights; and making recommendations aimed at preventing the commission of gross human rights violations.

Many South Africans had the opportunity to appear before the TRC in a series of public hearings that it held, either as victims or as perpetrators of acts that violated human rights. State institutions, political parties and organizations and the business sector were also required to elaborate on their respective roles in the past. The compromises were sometimes painful, as was confronting the truth of past oppression. However, for us it was our way to reconcile decades-long oppression and proceed with nation-building.

As Archbishop Desmond Tutu, who chaired the TRC, has written,

"The establishment of South Africa's TRC was a pioneering international experiment, with a potentially far-reaching effect on the way we all deal with conflict. Normally, when countries move through the difficult transition from oppression to democracy, they deal with the past in one of two ways: either the leaders of the old order are put on trial or dealt with summarily, or previous events are swept under the carpet and the suffering of those subjected to violence is ignored. South Africa followed a third, unique, way when it ended apartheid. To those who had committed grave violations of human rights, it offered amnesty in exchange for public disclosure of the truth about their crimes, and to the victims, it gave an unusual opportunity to be heard, as well as hope for reparations."

National reconciliation, however, did not automatically emerge at the closing of the work of the Commission but is continuing to develop as we build a nation based on shared values and a common destiny. The disparities that existed among South Africans as a

result of the policy of apartheid required immediate redress and continue to place a strain on our national capacity to cope with the demand of ordinary citizens that they be able to experience the fruits of liberation. In order to avoid the risk that people's expectations might lead to instability, the Government has embarked on large-scale social and economic upliftment and empowerment projects that address such basic needs as water, sanitation, housing, education and the provision of health services. Post-conflict reconstruction is a long-term project of sustainable development that builds on the peace and relative stability of the negotiated settlement.

While national reconciliation in post-conflict situations can take many forms, it is ultimately driven by a common will of the people affected by the devastation of the past to realize a more positive future. The parties have to be made aware of the benefits of coming to terms with what has occurred, and must proceed to rebuild their societies. Nevertheless, the people look to the international community, and particularly to the United Nations, for support during such a traumatic time. As the United Nations is the lead voice of the will of the international community, its engagement bears heavily on all the parties, and its active, sustained engagement is particularly instrumental in seeking options that are acceptable to the conflicting parties.

The engagement of the United Nations brings legitimacy and moral authority to conflict resolution based on the universally accepted norms and principles of the Charter. Durable peace is not achieved simply through the signing of peace agreements. In addition, it also requires a comprehensive approach that involves the active participation of the entire United Nations system. The role of the United Nations is to create the enabling environment in which this process can occur, and the Organization should assist in creating the mechanisms to bring about reconciliation. These could include assistance with constitution drafting, the devising of electoral systems and the creation of judicial and human rights institutions.

One of the most important requirements of post-conflict assistance is the immediate humanitarian needs for basic necessities and health services. In that regard, the United Nations has a coordinating role to play in efforts to bring aid and donor assistance to an affected country through consolidated appeals and donor conferences. It is imperative that other United Nations

organs and multilateral institutions, such as the Economic and Social Council and the Bretton Woods institutions, become more deeply engaged in the process.

In the past, the Security Council tended to regard the end of conflict as the elimination of the threat to international peace and security. Experience has, however, shown that United Nations involvement is as critical after the peace deal is signed as it is in ending the violent conflict. The Security Council's mandate therefore cannot end with the departure of peacekeepers, although post-conflict reconstruction is not a core function of the Security Council. The Security Council should work closely with other United Nations organs such as the Economic and Social Council to ensure that international peace and security are indeed maintained. The two Ad Hoc Advisory Groups of the Economic and Social Council, on Guinea-Bissau and on Burundi respectively, have already proven to be very useful in this regard. Those bodies have created bridges for closer cooperation between the two Councils on those countries. More important, they have also contributed to creating a seamless continuum from peacekeeping to post-conflict reconstruction and development.

Close cooperation with other United Nations bodies and regional organizations strengthens the implementation of Security Council decisions by widening the collaborative effort of all interested parties to achieve a desired outcome. As set out in Chapter VIII of the United Nations Charter, regional and subregional organizations, in collaboration with the Security Council, have a critical role to play in building a durable peace. On our own continent, the African Union recognizes this important link in its own efforts to seek durable peace and sustainable development in Africa. The African Union established its Peace and Security Council as

"an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peacemaking, peace-support operations and intervention, as well as peace-building and post-conflict reconstruction".

The protocol that established the Peace and Security Council also specifically stipulates that

"in the fulfilment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall

cooperate and work closely with the United Nations Security Council".

As in peacekeeping operations, different situations require different responses to deal with post-conflict reconstruction and reconciliation. The creation of the Truth and Reconciliation Commission was the manner we chose to deal with our own past and future. Countries emerging from conflict have to find their own ways of bridging the past with new possibilities for the future in the context of their own unique circumstances. South Africa has assisted, and will continue to assist, at their request, countries emerging from conflict to devise their own mechanisms and institutions of national reconciliation.

The role of the international community does not end once the parties have ceased hostilities. Reconciliation has to be coupled with a firm commitment from the international community to assist in post-conflict reconstruction and development.

The role of the United Nations in maintaining peace and security continues to be redefined, requiring a more extensive involvement not only in assisting in bringing about peace and security but also in maintaining that peace and security once the parties have ceased hostilities. In order to prevent the risk of sliding back into conflict, it is our common obligation to assist communities in their endeavours to secure development and to take their rightful place among peaceful nations.

The President (*spoke in Spanish*): The next speaker is the representative of Guatemala, to whom I give the floor.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): I congratulate you, Madam President, on Chile's initiative to organize today's open debate on an item that is of great importance both for the Security Council and for the entire United Nations system.

Guatemala has had first-hand experience in this area through the implementation of our peace agreements. Although they have their own unique characteristics, they also contain lessons that can, with the necessary adaptations, be universally applied. Those lessons, however obvious they may appear, offer guidelines with regard to the subject we are considering. I shall cite five, all of which have domestic roots but reflect on the role of the United Nations.

First of all, it is essential that there be a minimum basis for agreements among the various sectors of civil society and the Government regarding the path to be taken. Reconciliation must originate from within, since any attempt to impose it from outside will surely fail. In the case of Guatemala, there fortunately was and still is such a minimum basis for agreements. The agreements in question were concluded by the Arzu Administration and the Unidad Revolucionaria Nacional Guatemalteca in 1996, assumed as State agreements by the Portillo Administration in 2000 and, scarcely a week ago, again assumed by the Administration of President Oscar Berger.

Secondly, international cooperation has been essential and the presence of the United Nations irreplaceable. That involves not only the daily work of the United Nations Verification Mission in Guatemala (MINUGUA) or the support provided by the United Nations Development Programme for the dialogue and consensus-building round tables organized in the past few years, but also support for strengthening the context in which dialogue, tolerance and understanding can flourish. Obviously, it is easier to achieve reconciliation in conditions of economic affluence than when there are not enough resources to go around. It is also obvious that, for there to be reconciliation, we need to strengthen the institutions on which democratic societies rest. Thus, the progress made in implementing the agreements results from the efforts of Guatemalans, supplemented very significantly by external cooperation.

Thirdly, the progress made has not been linear. The implementation of the commitments generates resistance and opposition, which sometimes even cause setbacks. By its very nature, this progress tends to be slow, which means that both national and international actors must persevere. It will come as no accident that, when MINUGUA leaves Guatemala at the end of this year, it will have spent 10 years in the country. A long-term commitment, then, is needed.

Fourthly, in Guatemala — as in other countries — a commission for historical clarification was created. The publication of the commission's report, entitled "Guatemala" memory of silence", undoubtedly contributed to reconciliation in that it brought to light previously concealed facts. It also gave rise to a compensation programme, although some consider that programme to be too modest. The report also helped to

emphasize the general call for a strengthening in the justice system.

Fifthly and lastly, in achieving reconciliation, one cannot overestimate the importance of strengthening the rule of law and the administration and implementation of justice. In our country, as a legacy of armed conflict, illegal organs and clandestine mechanisms still function that violate human rights. In a new and innovative effort to fulfil its commitment, the Government of Guatemala, at the request of the human rights ombudsman and with the approval of both the outgoing and incoming Administrations, signed at the beginning of this month an agreement with the United Nations aimed at addressing that situation. It involves a new type of international mission that, acting within the framework of Guatemalan law, is authorized to investigate the clandestine mechanisms and to seek their dismantlement by identifying those responsible, ensuring their criminal prosecution. Through that provisional and special effort, we intend to strengthen local security and judicial capacities and to provide strong momentum for institutional and legal reforms in the country.

There is a final piece of information that is very convincing for the purposes of this debate. Peace is irreversible in Guatemala. In other words, in our case, there is no longer any risk of returning to a conflict situation. Therefore, despite the possible defects and inadequacies in the implementation of the agreements, the overall result is highly positive. Bearing witness to that is, for example, the electoral process that led to the orderly and democratic transfer of power on 14 January. Therefore, I believe the United Nations can be proud of its presence and its participation in the implementation of the peace agreements in Guatemala.

The President (*spoke in Spanish*): I now give the floor to the representative of Peru.

Mr. De Rivero (Peru) (*spoke in Spanish*): I congratulate you, Mrs. Soledad Alvear Valenzuela, Minister for Foreign Affairs of Chile, on your presiding over the Security Council. Your initiative to hold this meeting on such a relevant topic as "Post-conflict national reconciliation: role of the United Nations" is an expression of the effective way in which your country is guiding the Council.

Post-conflict national reconciliation is a complex national process that depends on the socio-political conditions in each country and on the nature and intensity of the conflict. However, by studying the opinions of academics and experts and particularly the practical experiences with reconciliation processes, one can identify three fundamental preconditions for national reconciliation.

The first element is truth. Given the need for truth as an element of reconciliation, truth commissions have been established. The merit of those commissions is not a detailed and definitive narrative of all the violent events in a civil conflict, because after a certain amount of time it is very difficult to reconstruct exactly what happened. Rather, the value of truth commissions is to bring to light what was hidden and has not been widely perceived and assimilated in a nation's everyday political discourse. Michael Ignatieff, professor of human rights at Harvard University, states that "all that a truth commission can achieve is to reduce the number of lies that can be circulated unchallenged in public discourse" (*Index on Censorship*, May 1996). This is the value of truth as an element of reconciliation.

The truth is so important to reconciliation that truth commissions, which originated in a Latin America traumatized by the massive violations of human rights in the 1970s and the 1980s, have now spread to other regions in the world where there have been civil strife and massive human rights violations. To date, more than 20 truth commissions have been created throughout the world, and various prestigious universities have created academic programmes to study them.

In Peru, the Truth and Reconciliation Commission was created in June 2001 with the task of shedding light on the process, deeds and responsibilities in the terrorist violence and the violations of human rights during the 20 years between May 1980 and November 2000. The Commission, recently judged by experts to be one of the most solid and exemplary such commissions in Latin America, issued its final report in August 2003 after 24 months of work and after receiving testimony from 17,000 individuals and the holding of public hearings throughout the entire country, which were broadcast by the State television network. The Peruvian Truth and Reconciliation Commission has created a solid base for the first element of reconciliation: to know the truth —

or at least bringing to light what was hidden — about deeds that were not known by Peruvian society.

The second prerequisite for reconciliation is compensation for the innocent victims and the rehabilitation of the areas affected by conflicts. While experience shows that, globally, truth commissions have been supported by resources from civil society, the United Nations and States committed to defending human rights, this is not true in the case of compensation to innocent victims and the rehabilitation of the devastated areas, for which there are scarce national resources and little international assistance. For that reason, the United Nations should become involved through special projects of the United Nations Development Programme and its agencies. In addition, the contribution of the World Bank and, we would say, the flexibility of the International Monetary Fund are needed.

Along with its final report, the Peruvian Truth and Reconciliation Commission presented a comprehensive reparations plan. One week ago, the Peruvian Government began action on its Plan for Peace and Development for 2004-2006, a mechanism for collective reparations for the areas most affected by political violence by means of projects to improve infrastructure, increase production and productivity and strengthen the presence of the State and the participation of civil society. Needless to say, this plan, like those of other developing States, requires the resources of the United Nations and the international community for its full implementation.

The third element of reconciliation is justice. If truth is a prerequisite for reconciliation, then justice is at once a prerequisite for and a result of that process. Reconciliation does not mean forgetting or impunity. It includes the value of justice, which means, specifically, to bring the violators of human rights to justice. In many cases, that requires thorough judicial reform and, above all, the dissemination of a culture of human rights in societies that have suffered violence so that the crimes and atrocities committed are not repeated.

In the case of Peru, the special commission on the comprehensive reform of the administration of justice is working to strengthen and coordinate the actions of the various entities comprising the justice system in order to achieve the system's thorough reform, ensuring its independence as an institution and the protection of the rights of citizens.

At the international level, the need for justice has also been a central concern in post-conflict situations. The result of this was the Security Council's creation of the international criminal tribunals for the former Yugoslavia and Rwanda and, especially, the establishment of the International Criminal Court, which constitutes the world's greatest advance in the fight against impunity. In that connection, we welcome the commitment of Sierra Leone to create a special court to judge crimes against humanity committed in that country.

In the opinion of experts and academicians and based on our empirical experience, reconciliation has many interpretations. According to the minimalist interpretation, reconciliation is only a sort of non-lethal coexistence. For the maximalists, reconciliation is the return to consensus or to social harmony. In truth, neither interpretation is viable for true national reconciliation because, as demonstrated by the experience of reconciliation processes in various countries, reconciliation implies going beyond peaceful coexistence or returning to situations of social harmony and consensus that never existed or that, on the contrary, were really the origin of the civil conflict. In all the countries where conflict has broken out, reconciliation today signifies the process of building a new social contract based on democratic institutions aimed, above all, at eradicating social exclusion, which is the breeding ground of civil conflicts of national self-destruction.

The peacekeeping operations authorized and carried out by the Security Council in the case of civil wars are only the first step towards initiating the reconciliation process. In fact, the ceasefires, the separation of the belligerent parties and their coexistence and mutual tolerance provide no more than the foundation for national reconciliation. They create a non-lethal coexistence, not reconciliation. That does not constitute a true reconciliation process, which is why we must move beyond peacekeeping and non-lethal coexistence and enter the nation-building process.

In the final analysis, the process of reconciliation is an exercise in democratic nation-building that surpasses the mandate of peacekeeping operations and the recommendations of truth commissions throughout the world. Reconciliation is a long and complex process of restoring the political and social fabric of a State and essentially requires the creation of authentic

democratic institutions and the eradication of the scourge of social exclusion. Without democratic tolerance and in the presence of permanent social exclusion, there can be no reconciliation. Poor societies will continue being affected by the germ of conflict.

In conclusion, the search for truth in the reconciliation processes that are taking place in various parts of the world have had the international support of the United Nations and civil society through national truth commissions.

Justice, the nexus of reconciliation, was also significantly advanced with the establishment of the International Criminal Tribunals for the Former Yugoslavia and Rwanda and in particular of the International Criminal Court. However, I wish to stress here that this has not been the case with regard to compensation for innocent victims and areas devastated by civil conflict. We therefore believe that the role of the United Nations and international financial institutions, in addressing post-conflict reconciliation in the future, should centre on aiding in the processes of compensation and support for civil society.

In conclusion, I have the following suggestions. First, future meetings of the Council on post-conflict reconciliation should address specific situations, in particular those of States that, as a result of civil conflict, are presently the focus of United Nations peacekeeping operations. Secondly, it would be beneficial if a report was prepared on all that has been said here today for the consideration of all States, United Nations agencies and, especially, the international financial institutions. The international community, its actors and institutions must initiate some serious thinking in order to give substance to the very concept of reconciliation and to learn from the experience of reconciliation processes currently being carried out throughout the world.

The President (*spoke in Spanish*): I thank the representative of Peru for his kind words.

I call on the representative of India.

Mr. Nambiar (India): We thank you for scheduling this open meeting of the Security Council on an issue that the Security Council has not specifically addressed on any previous occasion, but that is, nonetheless, of considerable import and great concern today. We note in particular, Madam President, the intensity of your personal involvement in the

subject of today's debate. We also seek your indulgence for the length of our statement.

For many Member States of the United Nations, the experience of nationhood is still relatively new. Indeed, the transition, after the Second World War, from empire to nationhood in many regions of Asia and Africa and parts of the Caribbean was itself the result of a process of political conflict, post-conflict reconciliation and deliberate crafting of nationhood. This process was unique for each region, if not for every nation. The role of the United Nations was also significant, though of a somewhat different nature from what seems relevant to the present debate.

What is the basis for the Security Council's current consideration of this subject? Ever since the crisis in the Congo in 1960, the United Nations has considered aspects of internal conflicts because of their potential implications for international peace and security, taking into account Article 36, paragraph 1, of the Charter. This Article allows the Council to consider or make a recommendation regarding a dispute or a situation of a similar nature at any stage, with perhaps the minimal requirement of an investigation under Article 34 of the Charter. Since the nineties, the United Nations has been involved in a variety of robust peacekeeping operations, and therefore such a search for a Charter basis is, today, only academic. For the Council to proceed from peacekeeping to peacemaking and post-conflict reconciliation is seemingly but a short step.

The present debate seems to be focused on the effects of intra-State conflicts that have bedevilled the international landscape in the post-cold war period and have bred ethnic conflicts or factional struggles for military control, political power, economic resources or external patronage within States. Though it can be argued that most intra-State conflicts invariably have external components, the concept of peace-building that arose in the early 1990s and provided the impetus for robust international action by the United Nations in many areas of the world was directed mainly to prevent, mitigate, resolve or manage such conflicts with a view to both avoiding their exacerbation, thereby positively affecting international peace and security, and to enabling broader political transitions to take place within these societies for long-term regional stability. How far these processes represented an imposition on the part of outside agencies, including the United Nations, and how far they had the effect of

encouraging the development of genuinely indigenous authority structures or institutions are assessments on which the judgements of the outside world vary.

It is axiomatic that reconciliation within any nation must be not only home-grown but also home-nurtured. This is more than a routine expression of *patria* sentiment. There are many examples where solutions imposed from the outside have failed when those external influences disappeared. Similarly, any process that does not fully involve the participation of the local population, in all its diversity, is also unlikely to yield lasting peace.

It is said that peace looks to the future and justice to the past. If true reconciliation is to be achieved, there must clearly be a blend of both values. Without a willingness to look beyond the bitterness, rancour and misgivings of the past, any future reconciliation is unlikely to be realized. But, by the same token, unless there is a credible sense of justice and accountability for past actions, especially in cases where there have been grave and systematic violations, it would be equally unrealistic to expect genuine reconciliation between opposing parties. However wrenching the process may be, the various contending parties must deal with each other in order to arrive at mutual accommodation and to deal with issues of the past, including those relating to peace, justice, reparation and amnesty.

Post-conflict societies also require new rigour in their judicial system. The establishment of criminal courts, truth commissions and a system of reparation for losses sustained by victims of crimes may become necessary in certain circumstances. However, it is important that the establishment of the rule of law and the dispensation of justice in post-conflict societies be fashioned in accordance with the needs and aspirations of the people in those societies. Promotion of post-conflict healing is a dynamic process. The local actors must lead the process. Externally imposed prescriptions will not necessarily work. International assistance for the establishment of a rule of law regime and dispensation of justice in post-conflict societies, therefore, should help set up credible local institutions and build up their public image and acceptance.

What should the role of the United Nations and the international community be in such a scenario? Our view is that the United Nations should play a supportive and facilitating role, without seeking to

impose outside viewpoints or values on the delicate process of reconciliation under way in any war-torn society. This is not to belittle or underplay the role of the United Nations or the considerable expertise available within its system, including that available through the various funds and programmes, to deal with crises and complex situations. Nor is it an argument against the basic benchmarks of human rights values that need to be adhered to in all civilized societies. What is of paramount importance is recognizing the complexity of an exercise in national reconciliation in post-conflict situations and dealing with it from a perspective informed by sympathy and understanding rather than prescription.

Although the post-conflict reconciliation theologian is likely to make a sharp distinction between in-conflict and post-conflict situations, the reality, in most cases, is far more complex. Reconciliation efforts often commence even while the conflict is taking place and persist after peace agreements are signed. On the other hand, even after the formal ending of hostilities and the signing of peace accords, conflicts continue, at times sporadically and, at other times, assuming even more virulent forms. Any involvement by the United Nations will need to take into account this reality.

Before involving itself in a particular situation, the United Nations will thus need to recognize that there is no uniform approach that can be adopted in all situations. Every post-conflict situation will have its distinctive characteristics, which need to be given full consideration in any reconciliation model. Where societies have traditionally enjoyed a high degree of provincial or local autonomy, it would be futile to set up highly centralized structures. In the case of large communities with mixed compositions, the distribution of power between the federal and provincial Governments would need to be worked out with great care.

Any process of national reconciliation will require time and painstaking efforts. Short-sighted approaches with unrealistic timetables based on considerations of purely financial implications are not always likely to succeed.

An important contribution the United Nations can make, in our view, is to ensure the centrality of the local actors in the political process. Models forced upon societies from the outside often fail. Full ownership by the political elements of society in an

inclusive, rather than exclusive, process would ensure that the solutions devised do not contain the seeds of resurgence of conflict.

We are convinced that, for a system of governance to work in post-conflict societies, it must respect the dynamic of the community in its plurality. It also follows that only a political form that is inclusive, tolerant of dissent and democratic can provide the required space for national reconciliation, as well as a stake for all in its future well-being. Democratic governance implies governance through the will of the citizen, exercised through independent constitutional mechanisms. It is the will of the people that defines the political institutions, the economic and social manifestos, the targets and the instruments. However, reaching targets democratically set needs resources. Resources are the crucial factor that can determine the difference between effective governance that delivers and governance, however well-meaning, that fails to meet the needs of its people. Extra-territorial and other threats to the sovereignty of States are further factors that seriously impinge on national capacity and self-image and divert attention from the priorities of social and economic development. We feel, therefore, that too narrow a focus on governance, without adequate attention to the challenges of social order and security, is likely to affect the consolidation of post-conflict societies.

Democracy is a major area where the United Nations can assist in national reconciliation efforts. Different parts of the United Nations system have acquired experience and expertise in providing assistance in census operations, the preparation and revision of electoral rolls, the delimitation of constituencies, verification and other areas considered essential for the successful conduct of elections.

There are other areas where the United Nations could prove invaluable. These relate to the provision of humanitarian assistance, the protection and promotion of human rights, judicial assistance and, of late, dealing with political processes. The instrumentalities available in the United Nations system to deal with each of these areas, however, have different characteristics. Many of them have time-honoured traditions of neutrality and impartiality. We urge that caution be the watchword in dealing with the intersections of the political process, humanitarian assistance, peacekeeping operations and the promotion and protection of human rights. A push in one direction to satisfy any donor country or interest

group, without taking into account its impact on the other three, could lead to consequences or situations that hinder rather than assist reconciliation.

A leading non-governmental organization has identified truth, justice and reparations as the three indispensable pillars of post-conflict national reconciliation. The three are also intrinsically linked. The instances of South Africa's truth and national reconciliation process, as well as Peru's Truth and Reconciliation Commission, have been held out as examples of the success of such efforts. They have enabled an outpouring of admissions and grievances, thereby providing the basis for an effective reconciliation. In the case of Afghanistan, the imperatives of truth and justice have to be balanced by the demands of stability and order. In Cambodia, on the other hand, the urgency displayed by the international community in seeking justice from the Khmer Rouge more than two decades after their fall from power does not absolve it of the failure to seek this truth when the Khmer Rouge was in power. Here, too, we are faced with the complex and often controversial balance of the moral imperatives of a post-modern civilized society and the perceived political interests of powerful States.

Amnesty is also linked to justice. Blanket amnesty, in the interest of peace, can prevent truth and justice from emerging. At the same time, the complete denial of amnesty in the interests of justice can sometimes hinder peace efforts. Here, too, balance is essential. Reparations are important in securing reconciliation, but need to be carefully quantified to ensure that they are not unduly at the expense of other parties to the conflict. History is replete with instances of the perceived injustice of reparations leading to further conflict. This issue continues to be relevant in our times.

Unfortunately, national reconciliation can sometimes be pursued with misplaced vigour. For a community emerging out of the shadow of death and destruction, starvation and deprivation, the goal of political reconciliation comes with a psychological cost. The scars of the past do not heal as quickly as demanded by the international community as the price of its activist humanitarian interventions. When the United Nations or the international humanitarian community decides to intervene in a manner that seems to privilege or favour one group over another, even with the soundest of motives, these actions run the risk of foisting an outside construct on the situation. While

it is difficult to make value judgements on such situations in any generalized manner, we must agree with what was stated by a scholar recently to the effect that the attempt to do good, if poorly planned and lacking in strategy, can do more harm than good.

India firmly believes that national reconciliation must be a soft process of co-optation and cooperation. It cannot be thrust on an unwilling or unprepared society. Political engineering in the form of empowering one group at the expense of another may appear to be essential for the restoration of ethnic balance, but can come at the expense of minority interests and heighten tensions in the future. It may also affect the neutrality of the United Nations in the perception of the people of the affected country and result in long-term disharmony.

The role of the United Nations in supporting national reconciliation must involve assistance through a system-wide, coherent, needs-based approach, which can result in the consolidation of security and peace, democracy, economic freedom, social order and justice. In all these areas, the United Nations should play a basically supportive role.

The President (*spoke in Spanish*): I now give the floor to the representative of Costa Rica.

Mr. Stagno Ugarte (Costa Rica) (*spoke in Spanish*): The armed conflicts on the Security Council's agenda are complex phenomena. Their most visible feature is military confrontation, the armed clash between two or more parties. However, over and above military confrontation, there is an unyielding political and social antagonism based on recurring cycles of enmity, grudges, hatred, separation, animosity and fear. Indeed, many of the conflicts that plague humanity today are based on psychological mechanisms of fear and hatred among groups, where any single offence is perpetuated and amplified through a pernicious dynamic of revenge, victimization and reciprocal injustice. Personal relationships and social structures cannot support the burden of stereotypes used to dehumanise supposed enemies. Hatred generates more hatred and destruction generates more destruction and death.

Peace-building at the end of an armed conflict requires halting that pernicious cycle of hatred and destruction. The social institutions and personal relations that serve as a bridge among the various groups must be rebuilt. It is essential to create an

atmosphere of mutual trust, justice and respect. Ultimately, the parties must be reconciled with a view to building a shared future.

Any reconciliation programme must re-examine the past, the underlying causes of the conflict and the behaviour of all the parties throughout it. However, reconciliation must go beyond a mere historical account. It is indispensable to create an atmosphere that promotes thinking, contrition and forgiveness, both collectively and individually, in order to provide an outlet for demands for justice and revenge. Reconciliation must not be confined to rehashing past grievances or to punishing the guilty. Reconciliation must be committed to the future and create an atmosphere of tolerance and cooperation among individuals and communities that have been rent by conflict. The end product of reconciliation must be a genuine culture of peace.

Every conflict is unique; each has its own features and peculiarities. That is why there is no single mechanism for reconciliation that can be applied to all. In some cases, truth commissions have facilitated the process. In other situations, the prosecution and punishment of leaders and those guilty of atrocities has been helpful. In others yet, amnesties have been required. The use of traditional community mechanisms for justice and forgiveness have also been very useful.

Reconciliation must be based on truth, justice and compassion. The truth about a conflict must be fully revealed so that the victims can talk about the pain and the trauma caused by the injustice they suffered. Justice must be served. There must be public recognition of the damage done and of the violation of the fundamental rights of the victims. It is crucial that compassion temper the desire for revenge so as to make it possible to break the cycle of retribution.

Reconciliation must also empower the victims of conflict and create a feeling of interdependence among the parties. The victims must come to feel that their rights have been recognized and are being respected and that their former torturers will never again harm them. Conditions must be created to ensure that the parties can build a shared future and commit to working together for the well-being of the entire community.

It is essential for all the parties to recognize that working together and cooperation among all are indispensable elements for building peace.

Reconciliation is an arduous process for which the local population bears the primary responsibility. The international community must actively support local efforts at reconciliation, but it should not try to act as a substitute. In this context, the United Nations has an important part to play as a facilitator, assisting in crafting the mechanisms and agreements that are required to initiate the process of reconciliation.

In this context, the United Nations in general and the Security Council in particular could adopt a series of concrete measures to facilitate national reconciliation.

When the parties agree to use truth commissions as a mechanism to achieve reconciliation, the international community must provide political, logistic and, whenever necessary, economic support for those institutions so as to ensure that they are effective, legitimate and impartial, and seen to be such by the local population. The Security Council must urge the parties to provide such commissions with all the information that they have about the conflict and any atrocities that may have been committed.

When the parties have decided on legal mechanisms to achieve reconciliation, the international community should support their efforts by facilitating the establishment of local courts, providing technical assistance or creating tribunals with international participation. The experience of Sierra Leone is particularly valuable in that context. On the other hand, recourse to local tribunals may present some difficulties if they are not seen by the local population as being impartial or if due process is not guaranteed, either for the victims or for the accused. In such cases, the use of local tribunals can become an obstacle to genuine reconciliation. The international community must be vigilant in ensuring that the mechanisms are legitimate and that they scrupulously respect the rights of both the victims and the accused.

Furthermore, bringing the main leaders before international tribunals can be useful only if the local population sees that as an impartial exercise of justice. In this context, we welcome the prosecution strategy crafted by the Prosecutor of the International Criminal Court to ensure that that international instrument

cooperates in a constructive manner with national reconciliation processes.

When the parties opt for traditional mechanisms to achieve reconciliation, the international community must promote the idea that such mechanisms respect the rights of the accused, they should not be used to impose excessive punishment or extrajudicial executions.

When the parties agree to grant amnesty, the international community must support such efforts, provided they are aimed at reconciliation and as long as they do not become a means of protecting the perpetrators or those who organized serious crimes against humanity. Amnesty must never serve as a mechanism to conceal the truth or deny justice to the victims.

When the parties opt for mechanisms to provide economic compensation, the international community should support them by freezing the assets of those who committed the atrocities and transferring those assets to the victims.

National reconciliation at the end of an armed conflict requires long-term and continuous efforts. Such efforts are the primary responsibility of the community affected and of the parties to the conflict. Nonetheless, the Security Council and the international community at large have an obligation to provide resolute support for those efforts.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Morocco, on whom I now call.

Mr. Bennouna (Morocco) (*spoke in French*): I should like first of all to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month, which is soon to end. Your great skills and experience have enabled the Council to discharge its responsibilities very effectively. In this connection, I would like to thank you in particular for taking the initiative to convene this debate on post-conflict national reconciliation and the role of the United Nations. The considerable level of participation and the very enlightening debate show how much we needed such a discussion in the United Nations. I am convinced that we will be able to reach some very useful conclusions.

All previous speakers have recalled the special role played by the United Nations in reconciliation

efforts. But before speaking specifically about that issue, I would like to take this opportunity to congratulate the new non-permanent members of the Council, who began their term of office at the beginning of the month: Algeria, Benin, Brazil, Romania and the Philippines.

Today the Council is discussing post-conflict situations, peace efforts and the fact that certain developments, if they are not checked in time, can evolve into lasting obstacles to peace and national reconciliation strategies.

In the context of post-conflict situations, the United Nations has incomparable experience, ranging from the negotiation of political settlements among the parties to participation in reconstruction efforts. The success of United Nations efforts in Kosovo, Afghanistan, Guatemala, Mozambique and elsewhere testifies to the wealth of experience of the Organization in this sphere. We can draw one major lesson from such experience. Each conflict, and each and every post-conflict situation, has its own characteristics and features. There is no universal recipe that can be applied in this area in a systematic manner. As the Secretary-General stated in a debate in the Security Council a little less than a year ago, on 30 April 2003:

"But the thing that stands out ... is that no single approach has ever been adopted twice, because no two conflicts or post-conflict situations are alike. Even the four recent cases of Afghanistan, Kosovo, Timor-Leste and Sierra Leone are very different from one another ... Therefore, one of the most important lessons ... is the need first to reach a common understanding of what makes the crisis in question unique, and then to develop our responses accordingly. We should draw on previous experiences ... while bearing in mind that completely new approaches may be required" (*S/PV.4748, p. 3*).

In other words, the Secretary-General wanted to remind us that the Council should be creative each and every time it considers a crisis situation, and, in particular, that it should get as close as possible to the realities on the ground, without, of course, forgetting its experience drawn from other situations.

The success of the United Nations contribution to national reconciliation in post-conflict situations lies in the Organization's ability to take into account local characteristics — the multi-ethnic nature of Kosovo,

the need to involve women in public life in Afghanistan, for example, the disarmament of ex-combatants in Sierra Leone and in Liberia. Tomorrow, perhaps, the United Nations might be participating in reconstruction in Iraq. All of these crisis situations might seem similar, but they are, in fact, quite different.

The role of the Council must be to provide adequate responses and to design mandates that are equal to the realities in the field. Of course, individual responses to crises and in post-conflict situations should form part of an overall strategy that encompasses common objectives. In particular, as has been stated, respect for the neutrality of the United Nations is very important. As was also noted, the Organization must work to bring the parties closer together; it must not impose any solution that might have been conceived of in advance.

Of the objectives I have mentioned, the first is closely linked to the obstacles that quite often undermine efforts made towards national reconciliation. I have in mind the disarmament, demobilization and reintegration of former combatants, and the restoration of justice with the goal of reconciliation and of economic and social development. With respect to justice, there are also the Truth and Reconciliation Commissions, which play a supplementary role.

The reintegration of former combatants, with clear-cut safeguards for their personal security; their participation in public life, with respect for the rule of law; and genuine economic and social prospects for them and for their family members are pivotal elements in the lasting settlement of conflicts. The representative of Angola spoke quite eloquently this morning of his country's experience in this respect. In Sierra Leone, the United Nations has been involved in the demobilization and reintegration of more than 46,000 combatants; however, a great deal remains to be done, especially in Liberia.

Among the key objectives that should be mentioned in defining an overall strategy in post-conflict situations, pride of place goes to respect for human rights and for international humanitarian law. It is imperative to safeguard the lives and the dignity of individuals. In this spirit, the international community must involve itself in the resolution of the problems of refugees and of displaced persons. We should

strengthen the protection mandate of the Office of the United Nations High Commissioner for Refugees and seek lasting solutions for refugees by fostering in particular voluntary repatriation, in conditions of dignity and security.

A comprehensive approach must also take into account all of the actors in the field — civil society, non-governmental organizations, but also, and above all, women. We cannot overemphasize the decisive role of women in post-conflict reconstruction processes. To be sure, the Beijing Platform for Action highlighted that particular dimension and the valuable contribution made by women, but we must now go farther and promote the participation of women in the field and in peacekeeping operations.

At the heart of current conflicts, we often find an affirmation of specific identity in cultural, religious, social or ethnic terms. In order to cope with the increased number of identity-based tensions — which have, regrettably, multiplied since the beginning of globalization — the international community must not only foster dialogue among parties to a conflict but also seek lasting solutions in order to maintain peace and stability.

In order to promote a culture of reconciliation and, ultimately, a culture of prevention, it is important to explore all possibilities available for settling disputes while respecting the sovereignty and integrity of States. Therefore, regional autonomy, as practised by many democracies, allows them to preserve unity in diversity and to avoid the tragic obstacle represented by the constant fragmentation of State entities, which can have dangerous consequences for international peace and security. Indeed, we must enable peoples fully to exercise their right to manage their own local affairs while ensuring stability and security for the country as a whole and for the subregion to which it belongs.

The growing importance of the topic of today's debate requires greater interaction among agencies. This process has indeed begun, and my country encourages such interaction among United Nations agencies and organs, especially between the Economic and Social Council and the Security Council. The extension by the Economic and Social Council of the mandate of the ad hoc Advisory Group on Guinea-Bissau and the creation of a similar group on Burundi constitute an encouraging response on the part of the

international community to the urgent need to devise assistance programmes for vulnerable countries that are emerging from conflict situations, especially in Africa. It is important to ensure complementarity in the context of the actions undertaken by the Security Council to maintain peace and those of the Economic and Social Council aimed at economic and social development.

Ongoing discussions on United Nations reform must also involve an assessment of the shortcomings of the United Nations system in conflict and post-conflict situations, especially with respect to their humanitarian dimension, by drawing lessons from past experiences and in a spirit of creativity in order, as I said earlier, to resolve current crises. This is an obligation of solidarity that we owe to those peoples who have suffered so much from war and from post-conflict situations.

What do we owe one another? That was the question posed by one of the founders of the *Encyclopédie*, Denis Diderot. Diderot believed that taking care of someone else was also a way of ensuring one's own enlightened self-interest. Is this not the morality that underlies international cooperation and collective security, for which the Council is responsible?

The President (*spoke in Spanish*): The next speaker on my list is the representative of Japan, to whom I give the floor.

Mr. Haraguchi (Japan): Mr. President, I would like to thank you for having convened this open debate. The issue of national reconciliation following a conflict has not been discussed much in the United Nations. I must confess that Japan is still in the process of studying this issue and has not yet arrived at a firm position on it. However, I am sure that everyone will agree that reconciliation is indispensable for the consolidation of peace in unstable post-conflict societies.

The consolidation of peace is one of the key elements of human security which my Government has been advocating forcefully. It is our hope that today's discussions will yield better ideas on such important issues as how to promote reconciliation successfully in a post-conflict society and the role of the international community and the United Nations in such an undertaking.

Reconciliation has a psychological aspect and for that reason is not so easy to achieve. Unless the truth is fully disclosed, it is difficult to create a basis for reconciliation. On the other hand, hatred and bitterness do not always fade away so easily, even when the truth has been exposed. There are cases in which the only effective remedy for rancour is the passage of a considerable amount of time. Especially as regards hatred and bitterness at the individual level, which results from so many varied situations, I believe it is not practical to discuss solutions in the United Nations.

In that connection, the presidency made a very wise suggestion in specifying national reconciliation as today's topic, because, as far as national reconciliation is concerned, we believe that there are several things that the international community and the United Nations can and must do in order to promote reconciliation in precarious post-conflict societies.

The first task is the restoration of justice. Punishing, in accordance with the law, those who have perpetrated serious crimes against humanity during conflicts will certainly contribute to national reconciliation. It is also important in deterring others from committing similar crimes in the future. At the same time, however, it is necessary to recognize as a problem the fact that reconciliation does not progress significantly while a trial is under way. This is particularly true when a trial takes a long time to be completed. It should be noted that there are a number of cases in which early national reconciliation is required for the prompt consolidation of peace and that, in order to enable people to come to terms with the past and to establish relationships of trust within the community, there exist a variety of policy options ranging from strict punishment to total forgiveness. It is vital for a post-conflict society to choose the policy measures which it considers best suited to its unstable transitional situation. We should bear in mind that the strict application of "justice" as defined by a third party in post-conflict societies does not always contribute to national reconciliation.

It may be useful to consider this matter on the basis of actual examples. In South Africa — as we heard a few minutes ago from the representative of that country — confessions of the truth about past criminal deeds, the granting of amnesty and the proportion of compensation for victims were pursued in combination and led to successful national reconciliation. In the case of the Commission for Reception, Truth and

Reconciliation in Timor-Leste, the combination of public apologies by the offenders and their engagement in activities contributing to the general welfare was suggested and eventually accepted as appropriate by the victims of the crimes. This solution is considered to have promoted the restoration of justice and reconciliation at the community level. Both cases show the wisdom of the people in the community in judging that the restoration of justice and promotion of national reconciliation could be effectively achieved by finding the hard truth.

Secondly, it is important to end discrimination and social injustice. In any society, if a portion of the population feels that it has been subjected to social inequity, that situation has the potential to develop into a conflict. So long as such conditions continue, it will be difficult to achieve and consolidate reconciliation. It is therefore critically important, through promoting fundamental human rights as universal values, to eliminate unfair discriminatory systems and practices between people of different ethnic and cultural backgrounds so as to establish a society where they can live together in peace. The international community can contribute here — but again, it is not easy to define what will be accepted as “equitable” by two parties that have been involved in a conflict. Japan believes it is essential that the parties to the conflict themselves take time to talk to each other calmly and patiently and to apply themselves to accumulating successful outcomes one by one. The international community, for its part, should support the creation of a framework to facilitate such discussion. For instance, we should take action to help initiate dialogue between the parties to a conflict. Much consideration has been given to the budget for the minority group in Kosovo by the United Nations Interim Administration Mission in Kosovo and the Provisional Institutions of Self-Government of Kosovo. We welcome this as an effort that could reduce the social injustice as perceived by the minority group. We also welcome the effort to promote direct dialogue between Belgrade and Pristina: it is a necessary and appropriate step towards coexistence.

Thirdly, we wish to underscore the importance of economic and social development. Areas in which conflicts arise are often areas that are plagued by poverty, and the economic and social difficulties that people continue to experience in their daily lives make it more likely that they will be conscious of social injustice or feel rancour towards those that they

perceive to be the source of social injustice. Japan believes that a most effective means of achieving reconciliation is to create conditions in which people are able to entertain the hope that their lives will be better in the future. The more confident people are that reconstruction will succeed, the more easily reconciliation will proceed.

The relationship among national reconciliation, justice, truth and reconstruction in the transitional post-conflict phase is extremely complex, and the most effective and appropriate mix of policy measures is different for each specific case. Both the issue of justice and that of reconstruction have been taken up and discussed extensively in the United Nations, but if we are to address effectively all the important aspects relating to the consolidation of peace in the precarious phase of a post-conflict society, it is necessary, in our view, to include the issue of national reconciliation in our deliberation as well.

Before concluding, I would like to propose that the United Nations study past success stories in the area of national reconciliation and identify the problems encountered along the way and the lessons learned. I believe this would certainly enhance the effectiveness of our deliberations on this important issue.

The President (*spoke in Spanish*): The next speaker is the representative of Argentina, to whom I give the floor.

Mr. Mayoral (Argentina) (*spoke in Spanish*): At the outset, the Argentine delegation thanks you, Sir, for organizing this open Security Council debate on a topic that is of such great importance to all countries: post-conflict national reconciliation and the role of the United Nations. We wish also to thank you and the entire delegation of Chile for your excellent work in the Security Council presidency for the month of January.

Experience shows that national reconciliation is a central pillar of peace-building in societies that have been scourged by armed conflict. It is an indispensable element in preventing the recurrence of such conflicts. It is necessary to build solid foundations to enable countries that have experienced confrontation and intolerance to abandon forever their divided past and to build a harmonious and peaceful future.

It is within that framework that I should like to speak of the recent experience of Argentina. We regained our democracy in 1983 after a bloody dictatorship that committed flagrant violations of human rights and that carried out systematic murder and the forced "disappearance" of individuals, as well as torture and imprisonment aimed against dissidents and members of the opposition. Obviously, it also denied basic freedoms to all citizens.

As we emerged from that tragic period of authoritarianism, which caused grievous pain in broad sectors of society, there was a general feeling that it would be possible to build a future of peace and stability only on the basis of truth and justice concerning those horrible events. Here, it is important to note that when preparations began to put on trial the perpetrators, some voices — in general, those with links to the former dictatorship — resorted to the concept of "national reconciliation" to oppose demands for a search for truth and justice. They said that this was nothing more than an attempt at revenge and was based solely on ideological prejudice against institutions such as the armed forces. That attitude often served merely to guarantee impunity for crimes under the pretext of a noble idea such as reconciliation. All activities aimed at circumventing the implementation of the law failed and generated no reconciliation whatsoever, since reconciliation results from sincere repentance on the part of the perpetrators, judicial action and appropriate compensation to the victims.

We must remember that in Argentina, important steps were taken such as creating a truth commission — called the National Commission on Disappeared Persons — that shed light on a repressive past that had been partially hidden from society and that brought the principal military authorities to justice — facts that could serve as a guide for other post-conflict situations. Years later, important legislation was also adopted to compensate and indemnify the victims and their immediate families. However, despite that progress and as a result of pressures on the political authorities, various legal measures containing exemptions were promoted that ultimately guaranteed a certain degree of impunity to a large number of those involved in true crimes against humanity. In our experience, those initiatives fell far short of ensuring genuine reconciliation, as I said, and that is why the whole of civil society is urging the

Government of President Kirchner to rescind a multitude of laws that prevented full justice in those cases. That process is currently under way in Argentina.

Because the complexity and special characteristics of each conflict situation make every national reconciliation unique, there is no one formula that guarantees success. But it is our conviction, based on our experience, that nothing lasting can be constructed unless it is based on applying the same law to everyone and on rejecting any type of pressure or collective threat aimed at exonerating those responsible for human rights violations.

Mindful of the scope of this subject, my delegation would like to confine itself to a few observations on lessons learned from recent reconciliation processes and on the role of the United Nations. Restoring mutual trust between the parties to a conflict requires that we clarify what happened in the past, identify those responsible for human rights violations and other atrocities, apply justice and establish compensation and restitution programmes for those who were the main victims of violence and injustice.

From my country's perspective — and here, I wish to touch upon what the representative of Human Rights Watch said to the Council in January — truth commissions have been useful mechanisms that have enabled us to irrefutably and objectively clarify the facts and have created a social awareness about the true scale and social impact of the violent past. The United Nations should and can provide advice about creating such commissions and can contribute to their establishment by facilitating dialogue among various sectors to achieve broad social acceptance of the mechanism.

With regard to adopting legal solutions aimed at clearing up grave crimes, the international community has been making significant progress for more than a decade. Its ultimate aim in creating the International Criminal Court, international and local tribunals with international components and of various innovative initiatives is to help restore trust. A basic premise for the success of those courts is that the method chosen must enjoy the broadest possible social consensus.

One of the lessons learned in the past few years is that national reconciliation cannot be imposed from outside. That is why the international community must

adopt a cautious approach and respect the principle that a genuine and lasting process must be generated within society. Notwithstanding that fact, the international community has an extremely important role to play by supporting and monitoring local reconciliation processes, offering advice and training, and providing material and human resources.

Finally, given the many experiences in this area and the differences and similarities among various national reconciliation processes, it might be a good idea for the Secretariat to consider establishing national reconciliation mechanisms to systematize the lessons that various nations have learned and to formulate recommendations for United Nations bodies with competence in this area. My country is fully prepared to share with Member States and the Organization what it has learned from its own terrible experiences.

The President (*spoke in Spanish*): I now give the floor to the representative of Burundi.

Mr. Nteturuye (Burundi) (*spoke in French*): I should like to congratulate you, Sir, on your assumption of the presidency of the Security Council and to express my best wishes for 2004.

The topic of today's debate, "Post-conflict national reconciliation: role of the United Nations", is of primary importance for countries that are emerging or in the process of emerging from civil war, such as Burundi. My delegation finds this discussion to be very timely, because a number of conflicts in Africa, for example, are civil wars pitting sons and daughters of the same nation against each other. Reconciliation is a national imperative, regardless of the painful efforts it imposes on enemy brothers and sisters.

But reconciliation must adapt to another imperative that is just as important: justice and the rule of law. In September 2003, during a public debate of the Security Council on the topic "Justice and the rule of law: the United Nations role", the Secretary-General, Mr. Kofi Annan, and the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno, addressed this issue. The Secretary-General said:

"At times, the goals of justice and reconciliation compete with each other. Each society needs to form a view about how to strike the right balance between them. Nevertheless, in

striking that balance, certain international standards must be adhered to." (S/PV.4833, p. 3)

Indeed, that right balance is difficult but not impossible to find.

My country, Burundi, has been engaged in a peace negotiation process for six years. The progress made since the signing of the peace agreement and the ceasefire agreements with the rebel groups gives us hope that the war will end in the near future. But Burundians are still decrying the situation of impunity for crimes imposed by the politicization and excessive polarization of society caused by the ethnic violence Burundi has experienced since independence. Many criminals are circulating freely in the country. Judicial services are demonized by some and idolized by others, which has seriously hindered the action of those services.

National and international human rights organizations believe that the weakest point in the Burundian peace process is the way in which the issue of fighting impunity is being pursued under the signed agreements. Today, the agreements grant provisional immunity to political leaders returning from exile and to belligerent forces. It is a political instrument of great importance, but the civilian population, the main victim of violence of all kinds, wonders whether this temporary amnesty will not be made permanent, because certain suspected individuals have great political ambitions. In the lead-up to the general elections scheduled to take place before 1 November 2004, Burundi is not safe from possible new tensions. It is caught between the duty of keeping to the timetable foreseen by the peace agreement and the need to have the minimum conditions required for organizing post-conflict elections. So how can we make sure that the candidates are honest people?

Another question is whether a country can successfully emerge from a crisis as serious as Burundi's without a minimum state of rule of law and the moral rehabilitation of the victims. The assistance of the United Nations can be decisive here.

As the level of trust among Burundians does not always allow them to organize an acceptable inquiry by themselves, the country still awaits the arrival of another international commission of judicial inquiry, which the Government requested of the United Nations on 23 July 2002. My delegation welcomes the fact that the Security Council has approved the terms of

reference for a Secretariat assessment mission, which should soon be sent to Burundi to prepare for the establishment of the commission of inquiry. The commission is cherished by the Burundians, as the members of the Council noted during their visits to Burundi. As well, the inquiry is one of the pillars of the peace agreement. The negotiators at Arusha also agreed to establish a Commission on Truth and Reconciliation with a mandate complementing that of the commission of inquiry. The process of adopting its regulating texts will conclude next February.

Despite the efforts of Burundians and the progress already made in seeking peace, the role of the United Nations remains indispensable, especially in the fight against impunity and in national reconciliation efforts. Burundians require support in seeking the truth about deeds and individuals. In a country where living conditions in the hills are identical for all ethnic communities and where the sharing of a common culture has forged a social cohesion as old as the single common language, the truth about the bloody crimes that mark the country's recent history constitutes the final road towards the survival of the nation.

Bringing to justice those responsible for major crimes such as acts of genocide, rape, violence against children and other war crimes, including those against humanitarian rights, helps to heal the wounds and prepare minds for forgiveness and reconciliation — so long as this is handled skilfully through traditional, national and mixed tribunals and other experiences from elsewhere that are applicable in Burundi. Reconciliation is not incompatible with legal action. That will lead to peace. To ignore that is to build on quicksand, to walk with a thorn in one's foot, to create a breeding ground for new grudges — at least in the case of Burundi. Burundi needs impartial and reconciliatory justice accompanied by a vast campaign of detoxification to eradicate ideas that kill. That is the surest way to establish reconciliation, rule of law and democracy in Burundi and the entire Great Lakes region, which still lives under the shock of genocide, whose roots have not yet been extirpated.

The United Nations can contribute to peace and reconciliation in Burundi by mobilizing the international community to improve the living conditions of the population, especially among those most affected by the war. The Security Council should be thanked for its mobilizing appeals addressed to financial backers. Those appeals have been heard, to

judge by the success of the Forum of Partners for Development of Burundi, just held in Brussels on 13 and 14 January. The repatriated, the internally displaced, the demobilized combatants, child soldiers, the poor living on the hillsides — all need to be psychologically and materially rehabilitated in an equitable and sharing fashion. Without that, peace and reconciliation will be nothing more than a pious wish.

The Government of Burundi therefore counts on the United Nations, the universal Organization ensuring the values of peace, right and morality, to help Burundi and the surrounding region to build the future on solid bases enabling the flourishing of future generations and saving them from the scourge of war and hatred.

The President (*spoke in Spanish*): Before giving the floor to the representative of the Republic of Korea, I wish to remind delegations to limit their oral statements to five minutes; they may, of course, distribute their complete written statements. The average length of statements is double what was recommended. That means that with the large number of speakers still remaining, we could be here until 8 p.m. or later. I therefore call again on representatives to exercise their ability to summarize.

I give the floor to the representative of the Republic of Korea.

Mr. Kim Sam-hoon (Republic of Korea): In support of the Security Council's efforts to highlight the often-overlooked issue of reconciliation in post-conflict nation-building, the delegation of the Republic of Korea extends its appreciation to you, Mr. President, for convening today's open meeting.

While a mutually acceptable agreement between conflicting parties may symbolize a formal end to strife and violence, it has become evident in recent years that formal agreements often fall short of ensuring peaceful relations in post-conflict societies. Since the terms of such agreements are largely negotiated by an elite group of leaders, the vast majority of the society may not feel that the issues that fuelled the conflict have been sufficiently redressed. The resultant instability can cause a stalemate or a relapse into conflict. Thus, only when an agreement is underpinned by a spirit of reconciliation shared by all segments of the society can a genuine and lasting peace be secured.

The creation of reconciliation through the promotion of trust and mutual understanding in the aftermath of prolonged conflict is an essential, albeit daunting, task in the process of post-conflict nation-building. For reconciliation to take place, all conflicting parties must recognize its vital necessity, and an atmosphere of compromise and tolerance must dictate a new set of self-sustaining relationships. The United Nations, with its wealth of experience in building bridges of understanding between conflicting parties, has an indispensable role to play in this regard. We are therefore pleased to note the increasing number of Security Council resolutions that mandate a role for the United Nations in promoting national reconciliation.

While bearing in mind that reconciliation cannot be imposed upon a society from the outside, the United Nations has been able to help the victims of conflict to address their plight, bring estranged communities together and find ways for various parties to establish common ground.

Despite setbacks in Angola, the United Nations continues to assist both sides in resolving their differences and paving the way for national reconciliation. We further note that the Government of Guinea-Bissau has recently requested that the Security Council mandate be extended, so that the United Nations can continue to facilitate dialogue and reconciliation among all of the actors there. Moreover, it has become clear that the United Nations presence in Afghanistan will continue to be essential in helping to overcome the decades of intra-Afghan conflict. In this regard, we welcome the efforts that are being made to develop effective reconciliation processes with a view to establishing a multi-ethnic Afghan society.

Clearly, each instance of conflict requires a new approach that takes into account the cultural and historical context of the conflict. However, many common themes have run through the processes of reconciliation in Afghanistan, East Timor, Angola, Burundi and the Democratic Republic of the Congo. We are encouraged by the United Nations peace-building support offices' efforts to draw upon these lessons learned in order to provide an enabling environment for national reconciliation and dialogue. Moreover, the Special Representatives of the Secretary-General continue to play a key role in promoting confidence-building measures, mediating differences and establishing forums for constructive

dialogue among warring parties. Additionally, the Special Representatives of the Secretary-General serve as effective coordinators among the various international actors on the ground, including the United Nations agencies. In particular, the Special Representatives of the Secretary-General in Myanmar, East Timor, Liberia and Afghanistan have made significant contributions to the promotion of national reconciliation.

While lauding the contributions that the United Nations has made to post-conflict societies around the world, we cite the need for exit strategies to be discussed at the Security Council from the early stages of mission development, so that peacekeeping resources may be deployed to the areas of greatest need. From the outset, one of the goals of peacekeeping missions should be to coordinate the various United Nations agencies, non-governmental organizations, local governments and civil society in guiding the country down the path to self-sufficiency.

As the Secretary-General aptly stated in June 2003 with regard to Liberia, while the United Nations remains committed to pursuing a resolution to the conflict, it is the country's leaders themselves who are ultimately responsible for making the difficult choices and compromises that will bring peace and stability to their people. The overarching purpose of reconciliation efforts is to ensure that the atrocities of conflict never beset that society again. As we have seen in the case of South Africa, post-conflict nation-building is an ongoing process out of which the pursuit of truth and reconciliation may eventually lead to the rebuilding of trust, confidence and hope in a society.

In the pursuit of truth and reconciliation, forums for transitional justice in which the perpetrators of violence are brought to justice are indispensable. The ad hoc international tribunals established to prosecute crimes in the former Yugoslavia, Rwanda and Sierra Leone constitute effective judicial forums that are actively helping to overturn the culture of impunity in these post-conflict societies. While judicial forums can help restore dignity to the victims through the condemnation of acts of violence and violations of human rights, the granting of amnesty can be equally important in overcoming the past. The right balance between leaving the past behind through amnesty and revisiting its injustices through prosecution must be struck so that post-conflict societies can build a shared future from the ashes of their divided past.

In conclusion, we hope that the Security Council will remain unswerving in its efforts to promote and support national reconciliation in a comprehensive and coordinated manner. As success in this regard will largely depend on the commitment of all stakeholders, including the international community, I assure you, Mr. President, that the Republic of Korea stands ready to make its contributions to this end.

The President (*spoke in Spanish*): I now give the floor to the representative of Serbia and Montenegro.

Mr. Šahović (Serbia and Montenegro): Mr. President, I would like to join other speakers in thanking you for organizing this debate on national reconciliation in post-conflict situations and the role that the United Nations can or should play in that respect.

Indeed, the issue of reconciliation is crucial for my country and, for that matter, for the entire region of South-East Europe, parts of which have experienced a series of conflicts over the past decade. Unfortunately, there are also many other areas in the world where, in different circumstances and against a different background, reconciliation must be achieved as an element of post-conflict stabilization.

This brings us to the question of whether there is a set of general principles or a number of general steps to be taken in post-conflict situations to facilitate reconciliation and eventually achieve that objective. Certainly, a level of stability has to be introduced before practical steps towards reconciliation are attempted. Establishing security, including disarmament, demobilization and reintegration, is a basic precondition. Subsequently, in the process of post-conflict governance, institutions need to be put in place, the judiciary should begin to function and economic recovery has to be jumpstarted. There are certainly many other areas that post-conflict societies have to deal with along the way to national reconciliation. However, all these measures should be tailored to the actual needs and traditions of the country in question, taking into account the circumstances that triggered the conflict in the first place. Ready-made solutions cannot merely be imposed from the outside. A genuine internal process is necessary and local actors must take responsibility for pushing it forward.

My delegation aligns itself with today's statement by the European Union. Nevertheless, I would like to

elaborate, from my national perspective, two examples relevant to the topic under discussion.

The first is the former Yugoslavia. Obviously, this is a complex situation, since peoples that once lived in one multinational society now need to achieve reconciliation in an inter-State context. Indeed, following the end of military operations in 1995, inter-State relations have improved. All countries involved, including mine, share the aspiration of joining mainstream European and Euro-Atlantic integrations. There is a realization that good-neighbourly relations must be developed in this process. In fact, the improvement of relations with neighbours is a top priority of my Government. The international community is encouraging this approach, which is very helpful. While much certainly remains to be done in order to further improve relations, concrete positive results are already visible.

However, on a different level, improvement is not so visible. Mistrust still prevails at the grass-roots level. There are different opinions on crucial questions of responsibility for what had happened. Perceptions differ on who were the victims and who the perpetrators. Basically, within and among the societies in question, an understanding of some sort needs to be reached on the causes and consequences of the conflicts and wars before substantial reconciliation can be sought.

In that regard, the role of justice is central. Of course, there is a tribunal established by the Security Council to prosecute persons responsible for serious violations of international humanitarian law in the former Yugoslavia since 1991. The aim, as stated in Security Council resolution 827 (1993), was to bring to justice those who were responsible for those violations, to contribute to the restoration and maintenance of peace and to contribute to ensuring that such violations are halted and effectively redressed. Some of the aforementioned aims have been achieved. True, some of the persons indicted are still at large and they must be brought to justice.

The question is what impact the Tribunal has had so far in terms of reconciliation. In my country, the Tribunal's work and practices have not, unfortunately, contributed much to the promotion of the cause of reconciliation. The reasons for that are many and complex, and I do not want to imply in any way that all shortcomings are on the side of the Tribunal. For

example, some aspects of the Tribunal's activities went beyond the stated aims of resolution 827 (1993), actually entering the sphere of domestic politics. Hence, the Tribunal has been and continues to be largely perceived by our public as a political tool rather than an instrument of justice. As a consequence, the work of the Tribunal has become a high-priority issue on the domestic political agenda, significantly overshadowing its role of bringing the perpetrators of crimes to justice. When political and legal questions mix and individual and collective responsibilities overlap, confusion is created that is harmful to any attempt at reconciliation.

We therefore believe that internal efforts to administer justice are of vital importance. The domestic judiciary is, in the long run, much better positioned to seek justice for victims. Domestic verdicts would be more easily accepted than those passed by international — that is, foreign — courts or tribunals. It is also necessary for Governments to promote strongly a culture of lawfulness if there is to be a hope of true reconciliation.

The second example is the province of Kosovo and Metohija in my country. Now in their fifth year under United Nations administration, ethnic communities remain as far apart as ever. Of course, their positions changed in a reversal of fortune following the 1999 intervention by the North Atlantic Treaty Organization, but they are still in confrontation and one of them — the Serbian community — is struggling to survive. Only symbolic numbers of refugees and internally displaced persons have returned and no perpetrators of crimes against non-Albanians have been brought to justice.

The underlying problem is that the United Nations Interim Administration Mission in Kosovo (UNMIK) has not yet succeeded in creating even basic conditions conducive to the opening of a political debate among the communities about the modalities for their coexistence in Kosovo and Metohija. Again, as in the previous example, there are many reasons for this failure, and they are very complex indeed. What appears to be clear is that much greater resolve and consistency are necessary on the part of UNMIK in order to begin, first, to create a safe environment for non-Albanians and fully to ensure their human rights, and then to include them meaningfully in political life. Half measures, leaning towards one side and neglecting the other, will just perpetuate the conflict between

communities. When a degree of normalcy is introduced, a very long period of sustained, primarily domestically-generated effort will be needed if any reconciliation is to take place in Kosovo and Metohija.

Our experience points to several conclusions about the possible United Nations role in reconciliation processes. Reconciliation relies primarily on the existence of a strong political will among the parties to the former conflict to open such a process. This will should then be translated into a set of activities promoted and guided by the authorities. Civil society also has an extremely important role to play. However, the United Nations and other international organizations can assist in creating conditions conducive to reconciliation.

Understanding the nature of a conflict and healing are lengthy processes, sometimes spanning several generations. This fact alone is a serious limitation to United Nations involvement that the Organization needs to overcome if it wants to engage systematically in reconciliation activities. Crises emerge in various parts of the world, shifting attention from one place to another. At the same time, every United Nations operation, from the moment it is launched, contemplates an exit strategy.

The most valuable contribution the United Nations can make to post-conflict societies is helping them to rebuild as quickly as possible functioning political structures that offer the possibility of bridging various competing loyalties. Assistance in strengthening the rule of law in general, and specifically the judiciary, should be among the top priorities. The role of international justice is sometimes unavoidable. However, all efforts must be made to separate the administration of justice from domestic political considerations in countries under the jurisdiction of international tribunals or courts. The newly-established International Criminal Court has a potential to meet this requirement.

Bearing all this in mind, it might be useful to look at the possibilities of combining the capabilities of the United Nations and regional organizations in the field of assisting post-conflict reconciliation. The United Nations can provide the necessary assistance in the short to medium term, while regional organizations could in many respects be better positioned to engage in such an endeavour on a long-term basis. Such broad international support by the United Nations and

regional actors in strengthening institutions and a democratic base can help post-conflict societies to embark on a reconciliation process, to look for the truth and to go through often-needed catharsis.

The President (*spoke in Spanish*): I now call on the representative of Rwanda.

Mr. Kamanzi (Rwanda): On behalf of my delegation, let me extend to you, Madame, my appreciation for taking the commendable initiative of calling a meeting to discuss the very important issue of the role of the United Nations in post-conflict national reconciliation. This debate is timely and addresses an issue that is at the very heart of our Organization, as enshrined in Article 1 of the Charter of the United Nations.

Members of the Security Council will be aware that countries like Rwanda have faced considerable difficulties in dealing with the myriad challenges facing post-conflict communities — or, in our case, post-genocide communities — in terms not only of reconciliation and confidence-building measures between communities, but also of establishing a climate of peace and security, rebuilding governance structures and promoting economic and social revival or renewal.

While it is clear that the United Nations has a crucial role to play in post-conflict national reconciliation, it should also be clear that there cannot be a one-size-fits-all response, as has been mentioned by many speakers before me. Post-conflict situations vary, as do reconciliation challenges and the capacity of States to meet those challenges. The role of the United Nations must therefore also vary from one situation to another, but it should always be commensurate with our expectations and the obligations outlined in the Charter.

The challenges Rwanda faced in the aftermath of the genocide were particularly grave. By July 1994, of a population of 8 million people, over 1 million had been killed, two and a half million had fled to neighbouring countries and almost everyone else was internally displaced. All economic and social activity had ground to a complete standstill. The security situation in the country was, at best, fragile. Food production, as well as medical and other humanitarian services, were severely disrupted. This was the difficult environment in which Rwanda began the process of national reconciliation.

As the Security Council debates what the role of the United Nations in national reconciliation should be, we would like to draw attention to several aspects of our particular experience.

First of all, we learned that national reconciliation is a process that may last for many years, even generations. It is not an event that can be completed in weeks, months or a few years. For us, the reconciliation process began by creating an enabling environment in which reconciliation could take place in earnest. Creating an enabling environment involved such things as ensuring peace and security, the return of refugees and internally displaced persons to their homes, kick-starting normal economic and social activity, and improving access to medical and other humanitarian services. Crucially, we have also learnt that rebuilding local and national governance structures is an essential prerequisite for the success of the post-conflict reconciliation process. The United Nations has a wealth of experience in these activities. It can and should therefore play a key role.

Secondly, after creating the enabling environment, the Rwandan Government established a National Unity and Reconciliation Commission and charged it with the responsibility of organizing a series of open discussions focusing on what went so badly wrong with the politics and governance of our country. These discussions involved everyone in and out of the country, including civic and community leaders and elders, genocide survivor groups, professionals, farmers, students and even genocide suspects. We believe that these discussions triggered national soul-searching and enabled us to identify what went wrong and what we must do to ensure that the mistakes of the past are never repeated.

We believe that the United Nations could play a crucial supportive role here. Our experience has taught us, however, that national stakeholders must take ownership of the process, while the international community and the United Nations play a supportive role.

Thirdly, Rwanda has faced the particularly difficult challenge of promoting unity and reconciliation, while at the same time ensuring that those who committed crimes during the genocide are brought to justice. An important lesson that we have learned in this respect is that justice is crucial for the reconciliation of the perpetrator and the victim.

Reconciliation is not always best realized by amnesty or forgiveness. In our case, justice was also important in order to eradicate the culture of impunity that had for so long been a feature of Rwandan life. Justice is also aimed at the rehabilitation of the offenders, thereby making reconciliation between them and the victims possible.

In this regard, our conviction is that the United Nations should play a vital role in ensuring that appropriate assistance, in terms of resources and expertise, is provided for national efforts to achieve effective reconciliation and justice.

The United Nations also has a clear role to play in ensuring that the international justice institutions mandated to handle post-conflict cases are efficient, cost-effective and morally and ethically based.

We fully agree with the representative of Peru in emphasizing the role the United Nations should play with regard to compensating innocent victims as a matter of social justice.

Fourthly, genocide took place in Rwanda following decades of deficient politics and deficient governance. We felt that, in order for reconciliation to take place, there needed to be a sense that measures were being put in place to ensure that genocide would not occur again in the country. Governance reform therefore became a vital component of the reconciliation process. A new political dispensation, with transparent, democratic, decentralized and empowered governance structures was put in place to ensure that genocide and systematic State-inspired terror would never happen again. The United Nations can play an important supportive role here, too, but again it is critical that national stakeholders take the lead.

Finally, economic recovery and development are also important for reconciliation. The United Nations can play a leading role in mobilizing international financial and technical support to ensure that there is a peace and reconciliation dividend in terms of economic growth, jobs and an improved quality of life.

Finally, I would like to underline the importance of leadership in the process of reconciliation. The reconciliation process is possible in Rwanda because we have leadership with vision — leadership that does not necessarily seek short-term, popular solutions to complex problems. National reconciliation should be

seen as primarily the responsibility of the particular country. Ownership of the reconciliation process by national stakeholders is crucial to the success of the process. There is clearly an important supportive role for the United Nations, particularly in creating an enabling environment for reconciliation and in mobilizing international support for post-conflict economic recovery. Although the role of the United Nations was not equal to the challenge in the case of Rwanda, it is our hope and expectation that this will not be the case in other situations of conflict around the globe.

The President (*spoke in Spanish*): The next speaker is the representative of Mexico, on whom I now call.

Mr. Pujalte (Mexico) (*spoke in Spanish*): First of all, I would like to express the satisfaction of my delegation at seeing you, Madam, presiding over this meeting of the Security Council. This is a clear demonstration of the interest of your country in sharing its experiences and establishing new and lasting forms of national reconciliation.

In September, the Security Council had an opportunity to examine the general theme of justice and the rule of law. Now, thanks to the leadership of Chile, it has decided to analyse the specific issue of national reconciliation in post-conflict situations. That issue is of key importance for the success of any strategy aimed at achieving peace and security at a given time and place.

The first element that must be highlighted is the fact that, in the context of the current international system, mechanisms aimed at achieving reconciliation and justice in transitional regimes are gaining in importance as necessary tools for the achievement of peace and security, which, in turn, can be strengthened and take root, in a lasting manner — provided that such mechanisms are set up in conformity with international law and that they are truly aimed at the promotion of reconciliation, the prevention or resolution of disputes and the provision of appropriate compensation for the victims.

A second element is the fact that national reconciliation can be approached from a number of different perspectives. It can be seen as being necessarily linked to the idea of meting out criminal justice so as to prevent impunity; as complementary to criminal justice mechanisms; as independent of them;

or as in conflict or antagonistic to such mechanisms. In this respect, the perspective adopted by any national reconciliation effort will depend, to a considerable extent, on the context and the specific situation in which it is applied.

It is clear that there is no one model; each society must be flexible in considering which formula is most appropriate, taking into account its historical, political and legal tradition and ensuring that such reconciliation mechanisms can genuinely contribute to compensating the victims of a conflict.

Thirdly, while there has been progress with regard to such mechanisms, a great deal remains to be done in order to fully develop and perfect them. To date, the international community has been trying various configurations and is seeking the optimum combination. We are still at an experimental stage, but we see some positive trends.

Basically, the option chosen will depend on the approach that is to be taken. If pride of place is to be given to political means of achieving national reconciliation, then amnesty, exoneration, investigation and the establishment of truth commissions are the mechanisms used. In such cases, it is believed that making public the facts and the illicit actions committed, as well as the names of the perpetrators, is a significant step towards providing satisfaction for the victims and maintaining social peace. In such situations there have also been purges to prevent the perpetrators from ever again reaching a position of power.

The other approach is based on criminal justice — the prosecution and punishment of those accused of grave violations of human rights. The perpetrators can be held accountable through the establishment of individual or group criminal responsibility, outside of the criminal justice system but in the context of mechanisms that are open to public scrutiny, or through a combination of those approaches. Sierra Leone provides a good example of this, as it has been able to combine a special tribunal and a truth and reconciliation commission. The delicate balance among the objectives of justice must always be borne in mind with a view to preventing impunity and achieving national reconciliation. It is for each society to decide whether it wishes to achieve reconciliation through the criminal justice system or by recourse to other mechanisms.

If a truth commission is chosen, it must help to create a faithful account of events, based on information from the victims and the perpetrators, so as to make it possible to arrive at a well-balanced history of the society in question and to establish a positive attitude towards the future.

Despite all of these factors, this is an area in which States have the flexibility to try different configurations and, in fact, create entirely novel systems for their own specific situations.

There is no doubt that the role of criminal justice is of great relevance and that at times it is the best instrument for prosecuting persons with the greatest responsibility for the most serious crimes. We are encouraged by such examples as the former Yugoslavia, Rwanda, Sierra Leone and Timor-Leste, and by the internal machinery that has been set up in Bosnia and Herzegovina. In this respect, the International Criminal Court can also make a significant contribution to bringing about peace and reconciliation in States parties to the Rome Statute.

However, all of these aspects must dovetail with the realities of a society that is intent on succeeding, and it must be determined whether it is in the interests of justice for such a society to decide to use mechanisms other than judicial ones.

Amnesties, to which certain societies have resorted, must be used with extreme caution and only where there is a genuine need for them. There has to be democratic consensus and a series of prior considerations, such as the existence of alternative mechanisms for the attribution of guilt.

Immediate expectations for a process of national reconciliation involve the creation of a climate that is conducive to peace, the restoration of fair and democratic institutions, the flourishing of an independent and impartial legal system, the development of human rights, and the existence of minimum guarantees for social coexistence. All of this will help to build an environment of confidence and security that can contribute to the development of a society that is emerging from a post-conflict situation. For that reason, financial institutions devoted to the promotion of development should envisage the provision of resources in those areas.

From our point of view, there are more questions than answers in all these cases. But what is certain is

that the United Nations has a crucial role to play in guiding and supporting these processes in cases when a State is making genuine efforts towards a genuine and lasting reconciliation. This is consistent with the purposes and principles of the United Nations and in particular with the promotion and maintenance of international peace and security.

The President (*spoke in Spanish*): I thank the representative of Mexico for the kind words he addressed to me.

The next speaker is the representative of Liechtenstein, to whom I give the floor.

Mr. Wenaweser (Liechtenstein): The subject before us today is, to some extent, linked to that of the open debate on justice and the rule of law held last September, but it certainly deserves our attention in its own right. Because the issue of reconciliation is almost overwhelmingly multifaceted, it is therefore a pragmatic necessity to focus our discussion on the role of the United Nations.

While the United Nations has in recent decades contributed on many occasions to the transition from armed conflicts to post-conflict situations, the focus has traditionally been on the first stages of the transition process: peacemaking, peacekeeping, especially peace-building, and, increasingly, on aspects of individual transitional justice. National reconciliation, on the other hand, is a long-term process that requires a sustained commitment going far beyond those initial stages. It is a process that is not primarily directed at determining individual responsibility, but, rather, at overcoming the root causes and underlying structures of a conflict, and thereby preventing its resurgence.

Reconciliation addresses the political and societal levels of conflict and is therefore clearly different from individual justice, which can at times even divert attention from the collective level of the process. Reconciliation is also a far more complex undertaking than the delivery of individual justice, and it is much more deeply linked to the very specific circumstances of a conflict situation as well as to the structure of the societies involved.

Thus, while reconciliation processes as such promote the primary purpose of this Organization — namely the maintenance of international peace and security — it does not automatically follow that the

United Nations must always play an instrumental role in such processes. Each and every situation must be looked at individually, assessing the need for United Nations involvement in the light of current circumstances, bearing in mind previous experiences as well as the distinctive nature of the situation under consideration.

Reconciliation cannot be imposed, as the Secretary-General rightly pointed out in a report to the Council two years ago. Instead, it must originate from within the societies involved. Each post-conflict society must find its own avenues of reconciliation and feel ownership of the process if the latter is to have the desired long-term effect. In most cases, the United Nations will therefore play a role of assistance in such processes, according to the prevailing circumstances.

Ownership is also a key concept when it comes to striking a balance between the ideals of justice on the one hand and reconciliation on the other. In some cases, these two are simply complementary. To our mind, justice must always be rendered for the most serious crimes under international law, as defined in the Rome Statute of the International Criminal Court, and there must be no amnesty for such crimes. But very often, these are two competing ideals, and the society concerned must make a decision — invariably a painful and difficult one — on how a balance can be struck for its specific purposes. Again, the United Nations and other organizations can very usefully assist in such processes.

This also provides a framework for concrete action to be undertaken by the Organization, apart from activities in the context of peace-building which foster the preconditions for reconciliation in an indirect manner. The United Nations can act as a catalyst for post-conflict reconciliation processes and help societies find their way to lasting reconciliation while adopting a flexible approach.

In this regard, impartiality with regard to the different groups and interests involved is crucial if an outside actor is to contribute to the long-term success of the process. It is thus the United Nations that can assist post-conflict societies through its expertise, for example by providing an analysis of best practices from other countries and concrete technical assistance. It can assist in the concrete set-up of particular mechanisms and institutions, such as Truth and Reconciliation Commissions — tailored to the needs

of, and finally to be governed by, the society in question — and offer cooperation through its often already established presence on the ground. Such cooperation can extend in particular to the provision of relevant data and evidence, in support of the search for truth.

Such assistance must be based on a substantial, in-depth knowledge of all the relevant political, cultural, historical and other parameters of the situation. Therefore, increasing the analytical capacities of the United Nations, in particular within its Secretariat, is an important step towards a strengthened role of the Organization in post-conflict reconciliation.

Liechtenstein has great interest in such increased capacity, and has in the past supported similar initiatives, such as efforts directed at establishing a peace-building unit within the Department for Political Affairs. Furthermore, capacity-building within the United Nations should not be conducted in a vacuum, but should benefit from the great attention that the academic world has devoted in recent years to all aspects of post-conflict societies, as well as from the experience and expertise of other international and regional organizations.

An increased expert-level capacity on issues of reconciliation must evidently be complemented by an increased awareness of such issues at the decision-making level of the United Nations. Reconciliation must be the final goal of all multilateral efforts in conflict situations, and decisions made at earlier stages of a transition must be carefully thought out so as not to hamper the inception of such processes. We all must, therefore, increase our sensitivity with respect to these questions.

Today's debate is an important step in that direction, and we thank you in particular, Madam President, for this initiative. We look forward to future activities on this issue.

The President (*spoke in Spanish*): I thank the representative of Liechtenstein for the kind words he addressed to me.

The next speaker is the representative of Nigeria, to whom I give the floor.

Mr. Ndekheade (Nigeria): We thank you, Madam President, for organizing this debate and for providing my delegation with the opportunity to participate.

The major obstacle to sustainable peace and economic development is the international community's inability to grapple with cases of post-conflict national reconciliation in societies emerging from conflict. It will be recalled that, following the withdrawal of the United Nations Observer Mission in Liberia in 1997, the Security Council endorsed the Secretary-General's recommendation and established the United Nations Peace-building Support Office in Liberia (UNOL) in November 1997. UNOL's primary responsibility was to assist the then Government to consolidate peace and stability in that country. To some extent, UNOL facilitated the promotion of national reconciliation and good governance and helped to mobilize international support for the implementation of reconstruction programmes in the country. It assisted the Government of Liberia in addressing its capacity needs in the areas of human rights and the holding of elections, as well as in the development of a peace-building strategy integrating political objectives and assistance and human rights programmes. Those were commendable contributions by the United Nations in a post-conflict reconciliation effort. Unfortunately, it was the apparent inability of the then combatants to fully and faithfully embrace ethnic reconciliation that led to the resumption of hostilities in Liberia. The point being made here is that it is imperative for the leadership of countries emerging from conflict to embark on genuine reconciliation programmes in order to ensure durable peace and sustainable development.

The appointment by the Secretary-General of a Special Representative and an International Contact Group on Liberia facilitated post-conflict reconciliation in that country. We therefore urge the United Nations to continue with that strategy. The United Nations should also continue to assume the responsibility for the coordination of the activities of its agencies and support the emerging national arrangements. It should also assist in the deployment of United Nations troops and in the provision of humanitarian assistance, as those are major ways to ensure post-conflict reconciliation.

Another vital area worthy of mention is effective disarmament, demobilization and reintegration (DDR), especially the rehabilitation aspect. In our view, it was faulty DDR that led to the collapse of the first United Nations peace mission in Liberia. The United Nations should therefore mobilize adequate resources to provide for ex-combatants in order to facilitate their

reintegration into civilian life by empowering them with basic skills. In that connection, it is important for United Nations agencies to train ex-combatants so that they can be gainfully employed. That way, their return to the bush to fight will no longer be attractive. Donors, for their part, should provide official development assistance to supplement United Nations efforts.

Pervasive poverty and the generally weak economic situations in most developing countries are often responsible for the exacerbation of conflicts. Most countries emerging from conflict are still characterized by massive unemployment, high mortality rates and low levels of infrastructure development. Thus, for any meaningful reconciliation to endure, particular efforts must be made to address not only political problems, but also economic and social problems, thereby encouraging such countries to engender political and economic stability.

In that regard, while we recognize the active involvement of United Nations bodies in the areas of national reconciliation, capacity-building, economic management, health, education, agriculture, food security and poverty strategies in countries emerging from conflict, we believe that much can still be done. The positive role played by the United Nations Development Programme (UNDP) in Afghanistan in addressing those issues is quite commendable. We therefore call for the application of that role in other countries emerging from conflict. In doing so, UNDP should, *inter alia*, develop assistance programmes in collaboration with the International Monetary Fund, the World Bank and other providers of financial and technical assistance. We should identify the needs of such countries and ensure the delivery of such assistance.

The conflict in Liberia resulted in serious violations and abuses of human rights and humanitarian law and in deliberate and habitual killings, torture, abuse and violence against women and children. Since the interim administrations in most post-conflict situations lack the capacity to address the needs of the victims of such atrocities, the United Nations should provide them with assistance. Such assistance should include the provision of security during the election process to ensure the free movement and participation of people before and during elections. That is crucial, given the known neutrality of United Nations peace missions in such

contexts. We are all aware of circumstances in which the suspicion of rigged elections eventually led to violence and war. The United Nations and the rest of the international community should therefore avoid any repetition of such a situation.

Since most infrastructure of the State is usually destroyed during conflicts, reconciliation efforts should also focus on rehabilitating the health sector, on providing food and assistance and on reactivating the judiciary to ensure the rule of law. Efforts should also be made to ensure the establishment of a reliable and integrated army, which should be representative of all the ethnic populations in the country. In that regard, it is important for the United Nations and the rest of the international community to assist countries emerging from conflict by providing technical assistance for the reactivation of the judiciary, the rule of law and the infrastructure.

The proliferation of small arms and light weapons constitutes a major impediment to the peace, stability, security and economic development of most developing countries, especially in Africa. Such arms continue to have devastating consequences on the African continent, given their capacity to fuel, intensify and prolong conflicts. We therefore welcome the establishment of an open-ended working group to develop an international instrument that will enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. In our view, that will facilitate post-conflict reconciliation through the reduction and control of small arms, which in turn will ensure that unauthorized persons no longer have easy access to such arms.

On the issue of the appropriate time to withdraw United Nations forces after the cessation of conflict, it is our view that such withdrawal should be gradual and staggered. The case of Sierra Leone is a good example of the wisdom of ensuring the presence of United Nations troops for a reasonable length of time until relative peace and stability can be established. That would help in the reconciliation process.

The United Nations has a formidable role to play in post-conflict reconciliation, given its neutrality and its resources. The world body has indeed shown a creditable determination to succeed in containing this situation. We have urged the United Nations to do more and to live up to its responsibility of maintaining international peace and security and ensuring the

economic and social development of Member States, especially those emerging from conflicts.

In conclusion, my delegation takes this opportunity to express its appreciation to the United Nations for its efforts towards national reconciliation after conflicts. Nigeria will continue to support the United Nations in this endeavour.

The President (*spoke in Spanish*): I now give the floor to the representative of Côte d'Ivoire.

Mr. Djangone-Bi (Côte d'Ivoire) (*spoke in French*): My delegation thanks you, Madam President, for organizing this interactive debate on the item entitled "Post-conflict national reconciliation: role of the United Nations". With your permission, I shall take this opportunity to convey the sincere congratulations of Côte d'Ivoire to the new members of the Security Council: Algeria, Benin, Brazil, the Philippines and Romania. I also thank Mr. Kalomoh, Assistant Secretary-General for Political Affairs, Ms. McAskie, Deputy Emergency Relief Coordinator, and Mr. Malloch Brown, Administrator of the United Nations Development Programme, for their introductory statements, which shed a very instructive light on the question on the agenda. Finally, Madam, in response to the concern you expressed at the start of the meeting, I shall limit myself to presenting an extract from my statement, which will be distributed in its entirety in the Chamber.

The Secretary-General noted in his report on the causes of conflicts and the promotion of lasting peace and development in Africa (S/1998/318) that the current conflicts, in particular in Africa, are generally internal. There are no less often a function of the dynamic of a subregion and of the role that certain African Governments play in supporting, sometimes even instigating, conflicts in neighbouring countries. In many cases, they even have important international dimensions because external efforts to bolster or undermine African Governments did not disappear at the end of the cold war. The sources of conflict in Africa reflect that diversity and complexity.

Hostilities come to an end when mediating initiatives enable the parties to a conflict to agree on provisional arrangements generally for sharing political power, dividing up economic resources and dealing with certain sociocultural concerns. We note that such mediating initiatives meet with lasting success only when the mediators demonstrate complete neutrality

throughout the negotiations on the peace agreement and discredit any attacks on the established constitutional order.

The role of the United Nations is important in this critical phase in which the urgency of a ceasefire and reaching a peace agreement leave the mediator open to the always feared risk of being accused of partiality. The United Nations, with patience and know-how, must lead the preparations of the peace agreement without making the parties concerned feel as though they were being led by the nose or being placed under supervision. At the same time, the Organization is called upon to administer refugees and the displaced and extend humanitarian assistance. Reconciliation, begun by the negotiations, is pursued while adapting to the circumstances. It becomes a long and laborious process of peace-building and national reconciliation which will see the prompt implementation of decisions made at the end of the conflict in order to prevent a renewal of hostilities, consolidate peace and undertake economic recovery and lasting development.

Post-conflict national reconciliation is the great challenge for the women and men of a country emerging from conflict and remains an undertaking in which the international community is both foreman and labourer. Once a peace agreement has been reached, such as the Linas-Marcoussis Agreement for the conflict in Côte d'Ivoire, it must be implemented by the parties with complete sincerity, humility and a relentless demonstration of their resolute will for reconciliation and cooperation. Of course, the continuity between conciliation and reconciliation and the length and comprehensiveness of the process require a similar effort by the United Nations.

To conclude, I would like to make a brief comment on the decision of the President of the Republic of Côte d'Ivoire to submit to a referendum two essential changes included in the Linas-Marcoussis Agreement, because wrongly interpreting that peace agreement could negatively impact on the reconciliation process under way. The report of the recent mission to assess the situation in Côte d'Ivoire states that "it should be noted that only the amendment of article 35 [of the Constitution] is constitutionally mandated to be submitted to a referendum" (S/2004/3, para. 28). That affirmation does not at all seem to follow from an understanding of article 43 of our Constitution, a constitution that is recognized by the

Linás-Marcoussis Agreement and by the Security Council, and which stipulates that

"the President of the Republic, after consultations with the Bureau of the National Assembly, can submit to a referendum any text or question which he considers to require direct consideration by the people. When the referendum concludes the adoption of the text, the President of the Republic shall promulgate it within the time-span foreseen in the preceding article."

The Linás-Marcoussis Agreement makes no mention of either a referendum or any particular method of adopting texts relative to agreed reforms. That eloquent silence is justified only by the need to apply the rules set out in the Constitution, which was adopted by a majority of more than 86 per cent in a referendum that was recognized by the international community. Thus, as everyone agrees, the amendment of article 35 of the Constitution, on the eligibility of the President of the Republic, must first be adopted by a two-thirds majority in the National Assembly and then submitted to a referendum.

The law on rural land tenure and nationality are very important, as noted by the Secretary-General in his most recent report on Côte d'Ivoire (S/2004/3). These questions are mentioned as causes of conflict now being resolved, while the current law on rural land tenure, for example, was adopted by the National Assembly only after delegations of its members consulted each department of the country in order to gather the opinions of the population they represent. This realism on the part of the parliamentarians is an irrefutable sign of the people's demand for direct consultation on all questions touching upon those issues. Only a referendum will contribute to the strengthening of democracy, which the Security Council ardently promotes.

With the finalization of the deployment of the troops of Operation Unicorn in northern Côte d'Ivoire, France and the rest of the international community have completed the preparatory measures to undertake genuine national reconciliation in Côte d'Ivoire. My delegation here wishes to pay a solemn and resounding tribute to France — and to the United Nations, which has here demonstrated the irreplaceable role of the United Nations in post-conflict national reconciliation.

Côte d'Ivoire — which is emerging with difficulty from the most serious crisis of its history

thanks to the United Nations, the European Union, the African Union and the Economic Community of West African States — can now testify to the outstanding role of the United Nations in post-conflict national reconciliation, to which our country bears living witness.

The President (*spoke in Spanish*): I now give the floor to the representative of Afghanistan.

Mr. Farhâdi (Afghanistan): Madam President, the Afghan delegation would like to thank you for convening this open debate on this subject, of which a typical example is Afghanistan.

I will speak very briefly and only about the case of Afghanistan.

Today marks an historical date in the recent history of the country. Today, President Karzai signed the new Constitution of Afghanistan, which was adopted by the Constitutional Loya Jirga on 5 January, 2004. The constitutional Grand Assembly, which convened in Kabul from 14 December to 4 January 2004, was comprised of all of Afghanistan's ethnic groups and segments of society. This constitution provides for the establishment of democratic structures based on democratic principles and values. Furthermore, additional provisions assure equal rights among men and women, freedom of expression, political pluralism, free and fair elections and the full participation of women in the political, economic and social spheres of the country. This major event marks another step in the implementation of the agreement brokered by the United Nations and signed in Bonn by the Afghan parties on 5 December 2001.

The adoption of the new Afghan Constitution also proved the capacity of Afghans to agree on major issues related to national reconciliation. The current circumstances in Afghanistan differ greatly from those that existed during the inter-Afghan Bonn conference of December 2001. By now, the issues of reconstruction and rehabilitation, including disarmament, demobilization and reintegration, require an international meeting in which donor countries and donor institutions will decide on enhancing international assistance to Afghanistan.

The fact-finding mission of the Security Council to Afghanistan, so ably led by Ambassador Pleuger of Germany in November 2003, played a vital role in raising the United Nations awareness of the importance

of the sustained international assistance required by Afghanistan.

One of the main characteristics of Afghanistan's peacemaking process was the participation of all Afghan political groups representing the major political parties of Afghanistan. In this regard, the efforts of the United Nations, as an impartial international body, in brokering such a gathering and facilitating the drafting of the blueprint in close consultation with Afghan groups, represents yet another major achievement of the United Nations. We should also emphasize here the genuine and honest political will expressed by Afghan political groups for the success of the reconciliation process and the consolidation of peace and security in Afghanistan.

Despite much progress since the signing of the Bonn Agreement in December 2001, Afghanistan continues to face many challenges. The pace of reconstruction in the country is not satisfactory, poverty and deprivation have pushed thousands of farmers to cultivate the lucrative poppy crop and desperate attempts by some remnants of the former Taliban and Al Qaeda, aimed at destabilizing the success of the Transitional Government, continue.

These challenges require a strong international commitment to the rehabilitation and reconstruction of Afghanistan. The provision of means and assistance to the reconstruction process would have a marked effect on stability and security in Afghanistan, thus contributing highly to the successful holding of the presidential and parliamentary elections, scheduled for June 2004.

The President (*spoke in Spanish*): I now give the floor to the representative of Cameroon.

Mr. Tidjani (Cameroon) (*spoke in French*): Madam President, my delegation would like to begin by telling you how pleased we are to see your country presiding over the Security Council in January of 2004 and to see you personally chairing our meeting. We are grateful to you for your initiative in organizing an open debate on post-conflict national reconciliation and on the role that the United Nations is called on to play in that regard.

This is, indeed, a particularly important theme for the larger United Nations family, and my country is pleased to have the opportunity to take the floor in the debate on this question. As we saw during my

country's term in the Security Council, which has just ended, this body, which has the primary responsibility for the maintenance of international peace and security, is devoting most of its time to considering conflict situations and crises throughout the world and to finding solutions to them that are just and lasting.

In regard to Africa, most of these conflicts and crises, depending on the specific case, pit ethnic groups, factions, militias, armed groups and Government and rebel forces against one another. The quest for solutions to these conflicts and to such crises necessarily requires identifying their root causes. In this regard, the report of the Secretary-General on the causes of conflict in Africa sheds light on the full spectrum of causes of the conflicts that are tearing apart many African countries, such as poverty, bad governance, inter-ethnic strife and struggles for power and the control of wealth.

This shows, then, the diversity of these causes and the specific nature of these conflicts; but whatever the specific causes of a particular conflict, national reconciliation is at the very heart of the quest for possible solutions. The United Nations, because of its immense experience in managing conflicts, thus plays a basic role in promoting national reconciliation in countries torn apart by conflict. Without national reconciliation, it is impossible to restore the normal functioning of institutions and guarantee the basis for a modern, democratic State that respects rights and freedoms.

My delegation would like to pay tribute to United Nations activities in this regard. Indeed, there are many examples of this on the African continent, such as Angola, Central African Republic, Democratic Republic of Congo, Congo, Burundi, Chad and Sierra Leone.

The United Nations, through various main bodies and specialized agencies, is making laudable efforts for national reconciliation. The promotion of such reconciliation encourages actors to agree to settle their disputes peacefully and to ensure the prevalence of dialogue and power-sharing over the temptations of confrontation, vengeance and violence. It can also take the form of the implementation of economic and social projects; support for the establishment of institutions, a national army incorporating different factions and ethnic groups, and an electoral process; the implementation of the disarmament, demobilization,

reintegration and repatriation or resettlement of ex-combatants; demining; the resettlement of refugees and displaced persons; the rehabilitation of infrastructure; and assistance for economic recovery and reconstruction.

Furthermore, Ambassador Abdallah Baali of Algeria this morning clearly identified the post-conflict role of the United Nations by referring to the Millennium Declaration. Any enhancement of that role will require an increase in resources allocated to reconciliation efforts and improved cooperation in the activities of the structures of the Organization. Indeed, we constantly deplore the lack of resources necessary to the implementation of operations in several countries emerging from conflict. In Africa, the examples are many in that regard.

It is also absolutely essential that, from the very onset of a conflict, mediation efforts focus on the ways and means of promoting national reconciliation. Diligent activity in that regard can only help to hasten the end of a conflict. Moreover, we feel it to be crucial at a very early date closely to involve civil society in the quest for solutions to a conflict and to promote national reconciliation. In particular, in Africa, women and young people — the primary victims of armed conflict — always and quite rightly call for greater involvement in peace processes and in the search for appropriate ways and means to promote national reconciliation.

The United Nations can and must also play a role as a catalyst for and coordinator of the activities of other members of international society — States, non-governmental organizations, humanitarian associations and regional and subregional organizations — that contribute to a return to peace and security and the promotion of national reconciliation.

The problem of impunity must also be addressed in that framework. Indeed, it is absolutely necessary to reconcile the desire for national reconciliation with the campaign against impunity. Can we allow, in the name of national reconciliation, those who are responsible for massive violations of human rights and other crimes against humanity to escape justice? Moreover, we believe that the provision of justice to the victims of many atrocities in contemporary conflicts can guarantee genuine and lasting national reconciliation.

We agree nevertheless with the statement made this morning by the Assistant Secretary-General for

Political Affairs, Mr. Kalomoh, that there is a need to be pragmatic in finding a settlement process for every conflict that is viable, appropriate and enduring.

In conclusion, I would stress — as many representatives have done before me — that, however important it may be, the activity of the United Nations and the international community will never be sufficient to ensure genuine national reconciliation. Indeed, without the sincere and lasting dedication of the various actors to the cause of peace and harmony — without their genuine understanding of the virtues of dialogue, reconciliation, power-sharing, compromise and forgiveness — the efforts of the United Nations and the international community will be futile.

It is therefore necessary for the parties to a conflict to become fully aware of that need, demonstrate determination and courage, and agree to make the necessary efforts for tolerance and dialogue if they are to establish for their sorely-tried peoples an environment of peace, security, justice, prosperity for all, and respect for human rights and democratic principles — in a word, an environment conducive to their prosperity and well-being. National reconciliation is thus a long-term endeavour that cannot be determined in advance and that requires the unflagging support of the United Nations and the international community.

The President (*spoke in Spanish*): As a result of the consultations held among members of the Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council met on 26 January 2004 to consider 'Post-conflict national reconciliation: role of the United Nations'. Members expressed their respective views and understandings on, and reaffirmed the vital importance of this matter, stressing the necessary close cooperation needed in the United Nations system, including the Council, on this issue.

"The statements underscored the important tasks that must be addressed in post-conflict situations in order to reach the goal of national reconciliation, as well as the relevant experience and expertise that exist within the United Nations system and in the Member States.

"Members considered that it would be appropriate to examine further how to harness and direct this expertise and experience drawn up from several key areas, so that it would be more readily accessible to the Council, to the wider United Nations system and membership, and to the international community as a whole, so that the lessons and experience of the past could be, as appropriate, learned and built on.

"The Council invites the Secretary-General to give consideration to the relevant views expressed in this debate in preparation of his

report on the role of the United Nations in justice and the rule of law.

"The Council invites all Members of the United Nations, and other parts of the United Nations system with relevant experience and expertise to contribute to this process."

This statement will be issued as a document of the Security Council under symbol S/PRST/2004/2.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.10 p.m.



Security Council

Fifty-ninth year

Provisional

4903rd meeting

Monday, 26 January 2004, 3 p.m.

New York

Corrigendum

Page 7, first column, last paragraph

The name of the speaker for Sierra Leone should be **Mr. Pemagbi**



S/PV.4904

Readex
Fiche



Security Council

Distr.: General
27 January 2004

Original: English

Official communiqué of the 4904th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Tuesday, 27 January 2004,
at 3 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 4904th meeting, held in private on 27 January 2004, the Security Council considered the item entitled 'The situation in Georgia'.

"The President, with the consent of the Council, invited His Excellency Mr. Malkhaz Kakabadze, Minister of Special Affairs of Georgia, at his request, to participate in the discussion of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

"The President, with the consent of the Council, extended an invitation under rule 39 of the Council's provisional rules of procedure to Ms. Heidi Tagliavini, Special Representative of the Secretary-General for Georgia and Head of Mission.

"The members of the Council heard a briefing by Ms. Tagliavini.

"The members of the Council, Ms. Tagliavini and Mr. Kakabadze had a constructive exchange of views."



S/PV.4905

Readex
Fiche



Security Council

Fifty-ninth year

Provisional

4905th meeting

Friday, 30 January 2004, 11 a.m.
New York

<i>President:</i>	Mr. Muñoz	(Chile)
<i>Members:</i>	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	France	Mrs. D'Achon
	Germany	Mr. Pleuger
	Pakistan	Mr. Ahmad
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Holliday

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara
(S/2004/39)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 11.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2004/39)

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation concerning Western Sahara, document S/2004/39.

Members of the Council also have before them document S/2004/76, which contains the text of a draft

resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Spanish*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1523 (2004).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.40 a.m.



Security Council

Fifty-ninth year

Provisional

4906th meeting

Friday, 30 January 2004, 11.45 a.m.

New York

<i>President:</i>	Mr. Muñoz	(Chile)
<i>Members:</i>	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	France	Mrs. D'Achon
	Germany	Mr. Pleuger
	Pakistan	Mr. Ahmad
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Holliday

Agenda

The situation in Georgia

Report of the Secretary-General on the situation in Abkhazia, Georgia
(S/2004/26)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-22482 (E)



The meeting was called to order at 11.40 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Georgia

Report of the Secretary-General on the situation in Abkhazia, Georgia (S/2004/26)

The President (*spoke in Spanish*): The Security Council will now continue its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Security Council have before them the report of the Secretary-General on the situation in Abkhazia, Georgia, document S/2004/26. Members of the Council also have before them document S/2004/77, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Spanish*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1524 (2004).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.45 a.m.



Security Council

Fifty-ninth year

Provisional

4907th meeting

Friday, 30 January 2004, 11.45 a.m.
New York

<i>President:</i>	Mr. Muñoz	(Chile)
<i>Members:</i>	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	France	Mrs. D'Achon
	Germany	Mr. Pleuger
	Pakistan	Mr. Ahmad
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Holliday

Agenda

The situation in the Middle East

Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/2004/50)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-22494 (E)



The meeting was called to order at 11.45 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/2004/50)

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Interim Force in Lebanon, document S/2004/50. Members of the Council also have before them document S/2004/78, which contains the text of a draft resolution prepared in the course of the Council's prior consultations. I should also like to draw attention to documents S/2004/6, S/2004/15, S/2004/35, S/2004/54 and S/2004/55, submitted by Lebanon, and document S/2004/61, submitted by Israel.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Spanish*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1525 (2004).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.50 a.m.